**RSED 8056/8956**

**Legal and Ethical Aspects of Organizational Leadership**

**Auburn University**

**Fall 2011**

**Instructor: Graham L. Sisson, Jr., Esquire**

Executive Director, Governor’s Office on Disability

Assistant Attorney General (General Counsel)

And State ADA Coordinator

4249 Woodvale Road

Birmingham, AL 35222

(205) 706-4034

[grahamvictoria@bellsouth.net](mailto:grahamvictoria@bellsouth.net)

**Instructional Associate: Bedarius Bell, MEd**

**I Course Purpose**

This course provides the student an opportunity to view the development of the rehabilitation and special education systems from a historical, policy, leadership and advocacy perspective. American society during the late nineteenth and twentieth centuries provides the context for a series of political and policy confrontations for these two systems regarding education, treatment, and habilitation/rehabilitation for persons with disabilities. Significant gains were accomplished in the development of the special education and vocational rehabilitation systems by the passage of the landmark civil rights legislation during the twentieth century, subsequently enhanced through litigation and case law that has advanced the educational and vocational opportunities previously denied to people with disabilities. This course will provide (a) a brief orientation to the American legal system including legal research; (b) an examination of the historical forces that sought to exclude people with disabilities from American society and life; (c) the effect that advocacy has upon the public policy making process; (d) the effect of litigation and case law; (e) and an examination of selected legislative events of the twentieth century continuing to the present.

The nature of ethics and professional practice within a values based context will be explored. An overview of ethical theories, professional practice considerations, principle ethics, and virtue ethics will be examined from a leadership perspective.

Students will gain a working knowledge of the major civil rights laws for persons with disabilities.

**II Textbooks Required**

Martin, Jr., E.D. (2001) *Significant disability: Issues affecting people with disabilities*

*from a historical, policy, leadership and systems perspective*. Springfield, IL:

Charles C. Thomas, Publisher.

Sisson, G.L. (2008). Understanding case law and using it to effectively make a point.

*Journal of Forensic Vocational Analysis.* *11*(1), 33-35. (provided by instructor)

Yell, M.L. (2006) *The law and special education* (2nd ed.) Pearson Education, Inc:

Upper Saddle River, NJ.

**Optional Readings**

Meara, Schmidt, and Day (1996). Principles and virtues: A foundation for ethical

decisions, policies, and character. *The Counseling Psychologist*. 24(1), 4-77).

Mezey, S.G. (2005). *Disabling interpretations: The Americans With Disabilities Act in*

*federal court* (paperback). University of Pittsburgh Press.

Murdick, N., Gartin, B., & Crabtree, T. (2002). *Special education law*. Upper Saddle

River, NJ: Pearson Education.

Reynolds, W.L. (1991). *Judicial process in a nutshell* (2nd ed.). St. Paul, MN: West

Publishing.

Rothstein, L,F, (2006). *Disability law: Cases, materials, problems*. Newark, NJ:

LexisNexis/Matthew Bender.

Tucker, B.P. and Adam M. (2004). *Federal Disability Law in a Nutshell* (Nutshell

Series) (Paperback). St. Paul, MN: West Publishing.

Ventura, J. (2005). *Law for dummies* (2nd edition). Hoboken, NJ: Wiley Publishing.

**Web Sites of Interest**

Cornell Law School, Legal Information Institute

http://topics.law.cornell.edu/wex

http://topics.law.cornell.edu/wex/papers

http://topics.law.cornell.edu/wex/category/definition

**Findlaw**

http://www.findlaw.com

**Others**

http://www.bazelon.org

http://www.lawnerds.com/guide/reading.htmal

http://www.legislature.state.al.us

http://disability.law.uiowa.edu/Lhpdc/rrtc/documents/silverstein/IA\_LAW\_REVIEW\_BOOK\_A\_UG\_2000.txt

http://disability.law.uiowa.edu/Lhpdc/rrtc/documents/silverstein/IA\_LAW\_OVERVIEW\_SEPT\_11\_00.txt

**III Instructional Method**

Instructional methodologies employed in this course will be lecture, discussion, and case law analysis. A particular focus of the class will be opportunities for participant presentations, and extended discussion may occur that is essential to the development or refinement of leadership skills.

Each participant in the Rehabilitation Leadership and Management Program should select a person(s) in your particular area of professional interest to serve as a *mentor*. This relationship or relationships should be a permanent feature of your strategic plan to lead an organization in a rehabilitation or educational setting dependent upon your specific professional goals.

**IV Course Requirements**

The didactic portion of this course will be delivered via streaming media and the class may be accessed as an archived tape. Please monitor the Web site for policy and procedures relative to requirements for proctors, on-site attendance when on campus, and other academic requirements that pertain to distance education.

Participants are required to attend the three seminars (RSED 8956). Each absence will be calculated as a seven point deduction.

**Case Briefs/Analysis**

Students will be responsible for discussions of assigned cases and presentation. Instructions and format for this will be provided to you at a later time.

**CHEVRON U. INC. v. ECHAZABAL**

**http://laws.lp.findlaw.com/us/000/00-1406.html**

**HUMPHREY v MEMORIAL HOSPITALS ASSOCIATION**

**http://laws.lp.findlaw.com/9th/9815404.html**

**BOARD OF TRUSTEES OF UNIV. OF ALA. v. GARRETT**

**http://laws.lp.findlaw.com/us/000/99-1240.html**

**WILLIS v. CONOPCO, INC.**

**http://laws.lp.findlaw.com/11th/968395opa.html**

**HOLBROOK v. CITY OF ALPHARETTA**

**http://laws.findlaw.com/11th/958691opa.html**

**CHRIS D’ANGELO v. CONAGRA FOODS, INC. http://caselaw.lp,findlaw.com/data2/circs/11th/0410629p.pdf**

\*Other cases of interest may be assigned

**Case Presentation and Discussion**

Each participant will brief two assigned cases (IRAC) for presentation at one of the institutes or in class if not a participant in the Rehabilitation Leadership and Management Program, which will be well-researched indicative of in-depth knowledge of the issue(s), inclusive of the legal challenges that provides direction for the future resolution of the issue. Briefs are to be prepared in accordance with the guidelines of the *Publication Manual of the American Psychological Association* (5th ed., 2001*)* and legal citations should conform to either the *APA Publication Manual* or *The Bluebook: A Uniform System of Citation* (17th ed., 2000*).*

Participants will be required to brief the four other cases not chosen for presentation. Students may partner with another student for purposes of presentation of one of the cases chosen.

**Examinations**

Two written examinations will be required. The examination will simulate a doctoral comprehensive question. Also, there will be short multiple-choice examinations that will be posted on Blackboard. Students are required to complete these exams and return to the instructor at the designated time.

**V Course Evaluation**

**Course Products**

Case Briefs 50% (8056)

Discussion/Presentation of Assigned Case 10% \*(8956)

Examination/Blackboard MC Exams 40% (8956)

**Grading Scale**

A 94-100

B 85-93

C 75-84

D 66-74

F 65 or less

\*The instructor reserves the right to add additional points for classroom

participation.

**VI Programmatic Accommodations**

Students who need accommodations are asked to arrange a meeting with the course instructor during the first week of classes, or as soon as possible if accommodations are needed immediately. To arrange a meeting, please contact Mr. Sisson via e-mail. Bring a copy of your Accommodation Memo and an Instructor Verification Form to the meeting. If you do not have an Accommodation Memo but need accommodations, make an appointment with the Program for Students with Disabilities, 1244 Haley Center, 844-2096 (V/TT) as soon as possible.

**VII Academic Honesty**

It is each student’s responsibility to become familiar with the provisions contained in Auburn University’s policy regarding academic integrity or honesty.

**VII Course Schedule**

**Session Date Topic**

1 Aug 22 Course Expectations/The American Legal System; (Chapters 1 & 2, Yell) Legal Research on the Internet (Chapter 3, Yell); IRAC: Case Briefs and Presentation Instructions

2 Aug 29 Disability in America: Public Policy and Disability Rights (Chapters 2, 3Taylor & Searl in Martin)

3 Sept 5 No Class-Labor Day

4 Sept 12 The Americans with Disabilities Act and the ADAAA

(Chapter 7, Yell)

5 Sept 17 Seminar I (Ethics and the Legal System/ IRAC Practice;

Examination I (Center for Disability Research

and Service)

6 Sept 19 No Class

7 Sept 26 The 1973 Rehabilitation Act and Subsequent Amendments

The Individuals with Disabilities Education Act and Subsequent Amendments (Chapters 4,5,6,7,8, & 9, Yell)

8 Oct 3 The 1973 Rehabilitation Act and Subsequent Amendments

The Individuals with Disabilities Education Act and Subsequent Amendments (Chapters 4,5,6,7,8, & 9, Yell)

9 Oct 8 Seminar II

10 Oct 10 No Class

11 Oct 17 Disability in America: The Legislative Response (Chapter

4, Martin)

12 Oct 24 Disability in America: Backlash (Chapter 3, Taylor &

Searl in Martin)

13 Oct 31 Legal Research

14 Nov 7 Legal Research

15 Nov 12 Seminar III/Examination II

16 Nov 14 No Class

17 Nov 21 Thanksgiving Holiday

18 Nov 28 Conclusions and Recommendations for Leadership (Chapter 15, Martin)