**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:** May 18, 2017

**Texts:** Selected cases in education law, available online at

[www.lexisnexis.com/hottopics/lnacademic](http://www.lexisnexis.com/hottopics/lnacademic)

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 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; Labor law; Tax exempt status and unrelated business income tax; Intellectual property law: Trademark.

Other: First Amendment religion clauses; Sex harassment; Employment discrimination; Disability discrimination; Labor law; Bankruptcy; Intellectual property law: Patent, Copyright.

**Course Calendar (TENTATIVE)**

May 18 Introduction

May 23 Introduction continues

May 25 First Amendment religion clauses, *Town of Greece, New York v. Galloway*,

*Christian Legal Society Chapter of the University of California v.*

*Martinez*

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, Rosenberger v. Rector and Visitors of University of Virginia, Board of Regents of University of Wisconsin v. Southworth*, *Pitt News v. Pappert*, *Crue v. Aiken*

May 30 Discrimination against students: Race, *McLaurin v. Oklahoma State*

*Regents for Higher Education, Sweatt v. Painter, Regents of the*

*University of California v. Bakke, Gratz v. Bollinger, Grutter v. Bollinger,*

*Fisher v. University of Texas* (I and II), *Schuette v. Coalition to Defend Affirmative Action*

June 1 Discrimination against students: Gender, *Cohen v. Brown University* and

*Pederson v. LSU*

Sex harassment, *Meritor Savings Bank, FSB v. Vinson*

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*

June 6 Brief 1

June 8 Tort liability of institutions, *Bradshaw v. Rawlings*, *Furek v. University of*

*Delaware*, *Hartman v. Bethany College, Kleinknecht v. Gettysburg*

*College*, *Commonwealth of Virginia v. Peterson*, *Havlik v. Johnson & Wales University*

Family Educational Rights and Privacy Act, *United States v. Miami*

*University*, *Gonzaga University v. Doe*

June 13 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, O’Bannon v. NCAA*

Labor law, *Clarett v. National Football League*, *Northwestern University v.*

*College Athletes Players Association*

June 15 Bankruptcy

Tax exempt status and Unrelated business income tax

*C.F. Mueller Co. v. Commissioner*, *NCAA v. Commissioner*

Intellectual property law:

Trademark, *University of Georgia v. Laite*; *Board of Trustees of University of Alabama v. Moore*, *Keller v. Electronic Arts, Inc.*

Patent, *Stanford University v. Roche Molecular Systems,* Copyright, *Association of American Medical Colleges v. Cuomo et al.*, *Pittsburg State University v. Kansas Board of Regents*, *Perfect 10, Inc. v. Google, Inc.*, *Cambridge University Press v. Patton*

June 20 Brief 2

Exam

**Course Requirements:**

Reading all assigned material.

Two briefs of cases in higher education law, written formally and presented informally to the class. An example brief will be distributed to the students.

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

**Grading and Evaluation:**

Case briefs (2 @ 20 points)………………………40 points

Examination……………………………………... 60 points

Total……………………………………. 100 points

Grading Scale

1. and above = A

80-89 = B

70-79 = C

60-69 = D

below 60 = 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 Student Policy eHandbook, available at [www.auburn.edu/studentpolicies](http://www.auburn.edu/studentpolicies) 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 absences(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 Student Policy eHandbookwill 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 accommodations are asked to electronically submit their approved accommodations through AU Access and to arrange a meeting during office hours the first week of classes, or as soon as possible if accommodations are needed immediately. If you have a conflict with my office hours, an alternate time can be arranged. To set up this meeting, please contact me by e-mail. If you have not established accommodations through the Office of Accessibility, but need accommodations, make an appointment with the Office of Accessibility, 1228 Haley Center, 844-2096 (V/TT). The link for persons with disabilities is as follows: <https://fp.auburn.edu/disability/syllabus.asp>

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, and 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:

o Engage in responsible and ethical professional practices

o Contribute to collaborative learning communities

o Demonstrate a commitment to diversity

o 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 University (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’ first research interest was the financial management of higher education. 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, outsourcing in higher education institutions, and cost control in higher education.

Adams’ later research has addressed financial, legal, and marketing issues in intercollegiate athletics, the economics and safety of Thoroughbred racing, and the history of sport. His articles in this area have covered the business model in intercollegiate athletics, the tax exempt status of intercollegiate athletics, and the marketing of intercollegiate athletics in a post-amateur environment, while presentations have included papers on cost control in intercollegiate athletics, the NCAA system of revenue and cost management, conference realignment in intercollegiate athletics, the rise of the Southeastern Conference, startups of small college football programs, and cost of attendance. Adams is writing a book on the 1965 season of Tennessee football and plans a second book on the decline of amateurism in intercollegiate athletics. He serves as chair of the sport management minor at Auburn.

Adams is the son of the late Olin L. Adams, Jr. and Juanita Vinson Adams. 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 served as president of her community garden and women’s clubs and as a member of her city’s parks board. 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 in 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 has attended the Kentucky Derby 41 times and every other major race at least three times. Adams enjoys the music of the 1950s and 1960s, especially Frank Sinatra and Elvis Presley, classic movies, and the comedy of Jerry Seinfeld.

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