

**Law & Higher Education  
HIED 66652/76652  
Kent State University  
Spring 2012**

**Dr. Stephen B. Thomas, Professor  
Higher Education Administration & Student Personnel  
College of Education, Health, & Human Services**

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# Course Information

## Law & Higher Education

### Instructor

Dr. Stephen B. Thomas  
Higher Education Administration  
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Office Hours: M, T, W—8 a.m.-10 a.m., or by appointment

### Course Time and Place

5:30-8:15 p.m., Mondays, Beginning January 9, 2012  
Room 303, White Hall, Kent Campus, Kent, Ohio 44242

### Course Description

Selected principles of constitutional, statutory, case, and common law affecting the administration of colleges and universities are studied.

### Instructional Methods

The course will consist of illustrated lectures and discussions and will be supplemented by the use of Vista and clickers, as well as possible additional technology.

### Clickers/License/Registration

TurningTechnologies Responsecard XR, NXT or a [Responseware license](#) (you will need to provide the workable device). You can purchase a clicker or license at Kent State University Bookstore, other local bookstores or online at the [Turning Technologies store](#) (enter the school code SUQ5 when prompted). Follow the instructions to register your [clicker/license](#) before the first day of class.

### Class Requirements

Mid-term Examination (March 5)	210 points
Discussion Boards (5 due by Feb. 27; 5 due by Apr. 23)	20 points
Case Summaries (on or before April 16)	60 points
Final Examination (April 30)	<u>210 points</u>
Master's Total	<b>500 points</b>
Paper (on or before April 16, Ph.D. only)	<u>100 points</u>
Ph.D. Total	<b>600 points</b>
Extra Credit (on or before March 5)	15 points

### Grade Scale (Master's based on 500; Ph.D. based on 600)

	Master's	Ph.D.
A	94% 470-500	564-600
A-	90% 450-469	540-563
B+	87% 435-449	522-539
B	84% 420-434	504-521

B- 80% 400-419 480-503  
C+ 77% 385-399 462-479  
C 70% 350-384 420-461 (grade required to receive graduate credit)  
C- 67% 335-349 402-419  
D+ 64% 320-334 384-401  
D 60% 300-319 360-383  
F below 300 below 360

### **Discussion Boards (February 27, April 23) (late submission not accepted)**

Answer five discussion boards in preparation for the mid-term examination and five for the final examination. We will meet as a class on line on February 27 and April 23 (the week prior to each exam). Have the first group of five questions completed prior to the 5:30 (class time) on the 27<sup>th</sup> and the second group of five by 5:30 on the 23<sup>rd</sup>. We will then have a basis to begin a discussion. Also prepare questions to ask each other. To access the discussion boards, hit the tab under course tools on the left margin. Late submissions are not accepted. Correct answers will be posted within 48 hours of the deadline.

### **Tests (March 5, April 30)**

Tests are multiple choice and plaintiff-defendant and cover material discussed in class, assigned readings, and class handouts. You are expected to attend the day of the test and to complete the test on that day (unless you have scheduled to take the test through Accessibility Services). Test days are not days to schedule vacations, job interviews, dates, or recreation. If you cannot meet on the assigned test days, drop the course at this time. Individual test taking days will not be provided but under the most severe of circumstances (e.g., death in the immediate family, your own significant illness).

### **Term Paper (Ph.D. Students Only) (no later than April 16)**

The term paper should be 10-12 double spaced pages; 1" margins all around with no larger than an 11 font. Your topic must be of interest to professionals within higher education who are concerned with legal issues involving students. The paper is due April 16. Bring a hard copy to class or put the paper in my box in room 401 White Hall. **DO NOT SUBMIT THROUGH EMAIL OR VISTA.**

### **Extra Credit (no later than March 5) (late submissions not accepted)**

If you would like to earn extra credit in this course, complete the assignment below. You may earn up to 15 additional points. This paper also is due no later than the day and time of the mid-term exam (i.e., you cannot submit the paper after 5:30 p.m. on March 5). **NO LATE PAPERS ACCEPTED ON THIS ASSIGNMENT.**

View one of two video tapes: Legal Research for the 21<sup>st</sup> Century (tape #2 or tape #4). Number 2 deals with finding cases and #4 deals with updating statutes. These are the skills you would use after you leave this class and want to find the law on a topic. The tapes are available on reserve in the Technology Learning Center in room 221 on the Second Floor of White Hall. Review the tape of your choice (i.e., #2 or #4) and write a three page, single spaced summary.

Bring a hard copy to class or put the summaries in my box in room 401 White Hall.  
**DO NOT SUBMIT THROUGH EMAIL OR VISTA.**

### **Case Summaries (no later than April 16)**

Research two (2) or more areas of higher education law (e.g., race discrimination in admissions, sport, speech) involving college students. Prepare brief summaries of federal circuit or Supreme Court cases since 2006 within your selected areas (i.e., **district court cases will not be accepted; K-12 cases will not be accepted; employment law cases will not be accepted; cases with a decision prior to 2006 will not be accepted**). Include an average of three to four (3-4) cases per page. The paper should be five to seven (5-7) pages in length (20 cases in total), single-spaced, with 1" inch margins all around. Do not include cases assigned as class readings (i.e., accessed through a Vista icon). The summaries are due two weeks prior to the final examination (i.e., April 16). **(See example on Vista.)** Sources include LEXIS-NEXIS (<http://web.lexis-nexis.com/universe>) and West's Education Law Reporter (recent editions are shelved in the library reference area; older copies are on the 6<sup>th</sup> floor of the KSU library), among others. Bring a hard copy to class or put the summaries in my box in 401. **DO NOT SUBMIT THROUGH EMAIL OR VISTA.**

### **Plagiarism**

Plagiarism is a serious ethical violation. Any attribution of another's work as one's own without appropriate credit is considered plagiarism. This applies whether information is obtained from print, presentation, or electronic sources. Moreover, it is a violation of university policy to submit a paper in two courses for credit without the knowledge and approval of the professor.

### **Late Penalty on Written Work**

There is a 5% reduction in points for each business day (or partial day) an assignment (i.e., term paper or case summaries—does not include extra credit or discussion boards) is overdue, *regardless of reason*. This will be true whether your computer crashes, your dog eats the paper, you left your paper at home, you have not been feeling well, etc. Accordingly, plan ahead and do not procrastinate. It is your responsibility to submit papers on time.

### **Students with Disabilities**

Students with disabilities must be provided reasonable accommodations to ensure their equal access to course content. If you have a documented disability and require accommodations, first verify your eligibility for accommodations through Student Accessibility Services. Call 330-672-3391 or visit [www.registrars.kent.edu/disability/](http://www.registrars.kent.edu/disability/) or the ground floor of the DeWeese Center for more information. [See University policy 3342-3-18.] If determined eligible for accommodations, see me at the beginning of the semester to make arrangements for necessary classroom adjustments.

## **Case Studies Portfolio**

In your final semester of the HIED program, you are to enroll in the capstone requirement, Case Studies in Higher Education (HIED 66655). A component of this course is to compile a graduate portfolio- -a retrospective of one's experience in the program and thoughts regarding one's job search and future professional development. One part of the portfolio is to prepare a course work summary. In order to best prepare, you are encouraged to write and retain a brief reflection of this course at the end of the semester, and advised to retain copies of syllabi and course materials such as papers or projects.

## **Text**

William A. Kaplin & Barbara A. Lee, *A Legal Guide for Student Affairs Professionals*, 2nd edition (2009), Jossey Bass, ISBN 978-0-470-43393-5.

## **Class Schedule**

### January 9

(A) Introduction to the Class

(B) Overview of Higher Education Law—Chapter 1; Introductory Information; Chapter 13 (13.1.2.1).

### January 16

MLK Jr. Day—no class

### January 23

(A) Legal Planning and Dispute Resolution—Chapter 2

(B) The College and Its Trustees—Chapter 3, except 3.2.

### January 30

The Legal Status of Students—Chapter 4 (4.4.3) (contract liability); Chapter 5 (except 5.5) (includes contracts, academic freedom); Contracts icon.

### February 6

Admissions and Financial Aid—Chapter 4 (4.4.4); Chapter 6 (includes discrimination and affirmative action) (except 6.1.4.3); Chapter 8 (8.3—sexual harassment); Chapter 14 (14.9.1; 14.9.2; 14.9.3; 14.9.5); Discrimination icon; Student Financial Aid icon.

### February 13

Same as February 6.

### February 20

(A) The Campus Community—Chapter 7 (except for 7.1.2, 7.2, and 7.4.3) (includes campus security, support services).

(B) The Student/Institution Relationship—Chapter 7 (7.1.2) (includes Search and Seizure); Chapter 12 (12.8); Search and Seizure icon.

February 27

Discussion Boards: No Class (work on line)

March 5

Mid-Term Examination

March 12

Academic Policies & Concerns, Grades, Degrees, and Disability—Chapter 6 (6.1.4.3); Chapter 7 (7.4.3); Chapter 8 (except for 8.3); Chapter 14 (14.5; 14.9.4); Chapter 15 (15.3.6.2).

March 19

No Class: Spring Break

March 26

(A) The Disciplinary Process—Chapter 9; Academic and Disciplinary Sanctions Icon

(B) Student Records—Chapter 5 (5.5); Privacy icon.

(C) Access to University Records, Data, and Information—Chapter 13 (13.2.4 & 13.2.5).

April 2

Students' Freedom of Expression—Chapter 10; Chapter 7 (7.2); Chapter 11 (11.3.3 & 11.3.4); Chapter 13 (13.1.2.2 & 13.1.2.4); Expression Icon

April 9

(A) Student Organizations and Their Members—Chapter 11 (except 11.3.3—11.3.6); see Association Icon

(B) Athletics—Chapter 12 (except for 12.8-12.9); Chapter 15 (15.3); Sports Icon

April 16

Tort Liability—Chapter 3 (3.2); Chapter 4 (4.4.2), Chapter 11 (11.3.5--11.3.6), Chapter 12 (12.9); Chapter 13 (13.1.2.3); Tort Icon

April 23

Discussion Boards: No Class (work on line)

April 30

Final Examination (includes content only since mid-term exam).