HIED 5303 - Higher Education Law & Ethics

Course title and number: Term:	HIED 5303: Higher Education Law & Ethics Spring 2023 (1 st 8 weeks)
Dates:	January 17, 2023 – March 10, 2023
Meeting location:	100% Online – A&M Central Texas Canvas Learning Management System: <u>https://tamuct.instructure.com/</u>

Instructor Information

Instructor Name:	Kristen Harrell, PhD	
Telephone number:	(979) 845-4728	
Email address:	kristenh@tamuct.edu	
Student hours (Office Hours):	Flexible: Please contact me via email to set up a time to meet via	
	Zoom or Microsoft Teams	
Office location:	117 Koldus Building, College Station, TX	
Student-Instructor Interaction:	Interaction will take place in discussion boards and through	
	scheduled office hours. You may contact me via email or through the	
	Canvas messaging system; I will attempt to respond within 24 hours	
	to any messages sent via these means for messages sent between	
	8am and 5pm CST Monday through Thursday. Please indicate HIED	
	5303 in your subject line.	

Emergency Warning System for Texas A&M University-Central Texas SAFEZONE.

SafeZone provides a public safety application that gives you the ability to call for help with the push of a button. It also provides Texas A&M University-Central Texas the ability to communicate emergency information quickly via push notifications, email, and text messages. All students automatically receive email and text messages via their myCT accounts.

Downloading SafeZone allows access to push notifications and enables you to connect directly for help through the app.

You can download SafeZone from the app store and use your myCT credentials to log in. If you would like more information, you can visit the SafeZone website [www.safezoneapp.com].

To register SafeZone on your phone, please follow these 3 easy steps:

- 1. Download the SafeZone App from your phone store using the link below:
 - <u>iPhone/iPad</u>: [https://apps.apple.com/app/safezone/id533054756]
 - <u>Android Phone / Tablet</u> [https://play.google.com/store/apps/details?id=com.criticalarc.safezoneapp]
- 2. Launch the app and enter your myCT email address (e.g. {name}@tamuct.edu)
- 3. Complete your profile and accept the terms of service

For updates on COVID information, please monitor the University website [https://www.tamuct.edu/covid19/]

COURSE INFORMATION

Course Overview and Description

This course explores legal concerns pertaining to engaging with students in higher education. These legal concerns include the United States Constitution, Federal and State Regulations, case law, and ethical considerations in compliance and Student Affairs Practice.

Learning Outcomes: Course Objectives

Upon successful completion of this course, learners will...

- a) Understand how legal issues impact and interact with the functions of higher education pertaining to students;
- b) Have a baseline ability to identify, find, and explain relevant case law that should inform administrative decisions within higher education; and
- c) Understand basic ethical principles as they apply to higher education administration and the law.

Course Readings and Materials

- 1. Chemerinsky, E., & Gillman, H. (2018). Free speech on campus. Yale University Press.
- 2. Lake, P.F. (2011). Foundations of higher education law and policy: Basic legal rules, concepts, and principles for student affairs. NASPA-Student Affairs Administrators in Higher Education.
- 3. Office of Civil Rights, Department of Education, (2022). 34 CFR Part 106 [Docket ID ED-2021-OCR-0166]: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance. (2022). Federal Register Vol. 87, No. 132, Proposed Rules. https://www.govinfo.gov/content/pkg/FR-2022-07-12/pdf/2022-13734.pdf. Pages 178 - 190.
- Students will be asked to read additional materials for the case law brief assignment (see below).

Grading Policies & Scale

COURSE REQUIREMENTS & GRADING

- 3 points 1. Introduction:
- 2. Discussion Posts: 30 points (4 points each, weeks 2 - 6)
- 3. University Writing Center Visit 1: 5 points
- 4. Case Law Briefs: 20 points 5 points
- 5. University Writing Center Visit 2:
- 20 points 6. Leadership Interview:
- 7. Make Your Case Video: 20 points
- 3 points 8. What You Learned Post:

Points Grading Scale: Out of 100 assignable points

- A: 90-100
- B: 80-89
- C: 70 79
- D: 60-69
- F: 0 59

Submitting Assignments: With the exception of the discussion posts (including your introduction and what you learned), you will submit all assignments through the submission page in Canvas. Deadlines for assignments may be found in the Canvas assignments. Discussion posts must be completed each assigned week on the discussion board in Canvas

Course Assignments

Introduction: (3 Points)

In the discussion forum in Canvas. Introduce yourself to me. What brought you to the higher education leadership program? What have you gotten out of the program so far? What do you hope to learn in this course?

Discussion Posts (30 Points Total – 4 Points Each Week)

While this course is entirely online, active participation assists in the learning process. Active participation will be assessed through discussions. Your participation grade for each of the middle six weeks (weeks 2 - 7) will be evaluated on the following scale:

5 points	1-4 Points	0 Points
Demonstrated knowledge of multiple points from book chapters for the week. Actively engaged with classmates in discussion – answering a question, responding to a comment, etc.	Demonstrated minimal knowledge of content from the book chapters for the week. Did not engage actively with classmates in discussion.	Did not post in discussion for the week.

Discussion posts should be completed no later than midnight (central standard time) on Friday each week in Canvas. In order to demonstrate active participation and support your classmates in their active participation, initial posts in each week's discussion should start early in the week.

University Writing Center Visits (1 & 2) (10 Points)

• University Writing Center Visit 1 (5 Points)

Prior to submitting the Case Law Briefs, virtually complete a peer review through the University Writing Center. Review the first drafts of your case law briefs. Incorporate feedback into your case law briefs. Take a screenshot of your post-visit email to load into Canvas to verify completion of this assignment.

https://www.tamuct.edu/coas/coas-special-topics/uwc.html

University Writing Center Visit 2 (5 Points)

Prior to submitting the Interview essay, virtually complete a peer review through the University Writing Center. Review the first draft of your essay. Incorporate feedback into your essay. Take a screenshot of your post-visit email to load into Canvas to verify completion of this assignment. https://www.tamuct.edu/coas/coas-special-topics/uwc.html

Case Law Briefs (20 Points)

Select three of the cases listed below (or, if you wish, you may choose a case that was referenced in the Lake, 2011 text). You will need to utilize your resources through the University Library to find the cases. Westlaw and Nexis Uni are great databases for seeking legal information.

Westlaw: <u>https://tamuct.libguides.com/az.php?q=westlaw</u> Nexis Uni: <u>https://tamuct.libguides.com/az.php?q=uni</u>

There are also librarians who can assist.

Read the cases and write a case brief for each case selected. A case brief should include: The case name, facts of the case, the questions at issue, the answers to each question, the reasoning of the court, and if applicable, additional comments. I have provided three examples of case briefs I wrote when taking a higher education law course.

Cases:

Bazaar v. Fortune, 476 F. 2d 570 (1973). & Bazaar v. Fortune, 489 F. 2d 225 (5th Cir. 1973).

Dixon v. Alabama State Board of Education, 294 F.2d 150 (5th Cir.1961).

Fisher v. The University of Texas at Austin, et al., 579 U.S. 365 (2016).

Gay Student Services v. Texas A&M University, 737 F.2d 1317 (5th Cir. 1984).

Gonzaga University v. Doe, 536 U.S. 273 (2002).

Meriwether v. Hartop, 992 F. 3d 492 (2021).

Perkins v. State Board of Education, 364 So. 2d 183 (Ct. App. La., 1st Cir. 1978).

Tarasoff v. Regents of the University of California, 551 P. 2d. 334 (Cal. 1976).

Tinker v. Des Moines Independent Community School District, 393 U.S. 503, (1969).

University of Texas Medical School at Houston v. Than, 874 S.W. 2d 389 (Tx. App. Houston 1994); 901 S.W. 2d 926 (Tex. 1995).

Victim Rights Law Center et al. v. *Cardona,* No. 1:20-cv-11104, 2021 WL 3185743 (D. Mass. July 28, 2021).

Interview (20 Points – 5 of which are for submitting your interviewee name)

Identify an individual that currently holds a position in higher education that you might some day be interested in holding. You should consider the ways in which this individual may be impacted by legal issues in order to get a robust response to your interview questions. You will need to provide this individual's name, title, and institution for approval by the end of week 3 as a part of this assignment.

Conduct a 30 - 60-minute recorded interview with the approved interviewee. You will submit the recording along with your essay to complete this assignment. Your interview should be focused on ways in which the interviewee's work is impacted by legal concerns. Some recommended questions include:

- Tell me a little about yourself and the work that you do.
- In what ways is your work affected by state, federal, or local laws?
- Which laws are the most impactful on your day-to-day work and how?
- Why do you believe these laws are important?
- Are there times when laws make your work challenging? If so, how?
- If you could change or impact any of these laws, would you and how?

Make Your Case Video (20 Points)

When working in higher education, you sometimes have to assist others in understanding the law. Below are a number of scenarios that frequently come up in higher education. Get into a group with one or two of your classmates. You will review the list of scenarios. Each person in the group should select a scenario to respond to. You may assist each other with your individual scenarios and what you believe is the best course of action. You may also seek advice from current higher education professionals. You should utilize information from the text, law, and case law to support your response.

You will make a video for each scenario selected. Each person should make a convincing argument regarding the best course of action to take in their scenario that is both ethical and legal. Other members of the group should participate in the video and provide counter arguments to provide opportunities for

each person to argue their case strongly. Videos should be no less than five minutes and no longer than ten minutes. Videos should be uploaded into Canvas.

Scenario Options:

- A student organization has posted yard signs making fun of another student organization on campus. The advisor for the student organization who was made fun of removed the signs and has requested the student organization responsible for the signs be removed from campus. The location where the signs are posted is a commonly used space for student organizations to share information.
- 2. A student organization is protesting the institution's president. They are using a bullhorn to express their dislike of policies coming from the current administration. The students are using profanity in the expression of their viewpoint. It is 3:00pm on a Thursday outside of the campus building where the president's office is housed. There are two classroom buildings nearby.
- 3. A student went on their personal social media and posted a video containing clearly racists content. Alumni and the community have seen the video and are demanding the student be expelled immediately. You discover the student is related to a major donor for the university.
- 4. You have been working with a student on their academic progress, they have also disclosed personal information with you during your work together. You receive a phone call from this student's parent demanding you share what you have been working on with the student. The parent indicates that the student has signed a blanket waiver and that you have to speak with them.
- 5. In a building, for which you have responsibility, there is a secured area that houses confidential employee information. You notice that someone has propped the back door to this area open and there is an extension cord running into the hallway connected to a popcorn machine that was place in an alcove across the hall. The cord is not taped down and you observe someone trip over the cord with no injury. You find out from a staff member that staff are having a networking gathering in the hallway in fifteen minutes, which is why the popcorn machine is there.
- 6. It is the start of the fall semester. You are a department head. A student taking a lab within your department informed their faculty member that they had a baby over the summer and require space in order to pump and would need to do this during the middle of their lab each week. The faculty member told the student there is no space they can use and that they certainly cannot step out of the lab. The student filed a complaint to you regarding the faculty member's failure to accommodate their lactation needs.
- 7. An international student has been reported for engaging in significant stalking behavior against another student. The behavior has been significant enough that the complainant fears for their safety, has skipped classes, and has altered how they get to and from campus. During the course of the investigation, the international student discloses a disability that the student believes contributes to the reported behavior. Additionally, the international student is on a student visa and is concerned about returning to their home country.

What You Learned Post (5 Points)

The What You Learned Post should include a brief summary of the key items you have learned during this 8-week course. Consider what aspects of the texts were most salient, what you believe will have the greatest impact on your work, and how you will keep up with local, state, and federal law. The post should be put in the Canvas discussion board no later than midnight (central standard time) of Friday of the 8th week.

As referenced above, assignments must be completed through Canvas. You will be able to review your grades through the Canvas grade book throughout the semester.

Please note the assignment due dates as posted in the Canvas assignments. Assignments are due by midnight (central standard time) of the date posted.

Late submission of assignments will result in an automatic reduction of 10% in your grade for that assignment. No assignments will be accepted after the last day of class.

Week	Readings	Assignment Due	Important Dates/Notes
Week 1 Jan 17 – Jan 20	• Start Chapter 1 (Lake, 2011)	 Introduction (Friday) 	 Jan 13: Deadline for Tuition & Fee Payments Jan 17: Add, Drop, & Late Registration Begins Jan 19: Deadline for Add, Drop & Late Registration
Week 2 Jan 23 – Jan 27	 Chapter 1 & 2 (Lake, 2011) Start Reading Cases for Case Law Briefs 	• Discussion Post (Friday)	 Jan 24: Deadline to drop 1st 8-week classes with no record
Week 3 Jan 30 – Feb 3	 Chapter 3 (Lake, 2011) Cases for Case Law Briefs 	 Discussion Post (Friday) Intended Interviewee for Interview (Sunday) 	
Week 4 Feb 6 – Feb 10	 Chapter 4 (Lake, 2011) Cases for Case Law Briefs 	 Discussion Post (Friday) Writing Center Visit 1 (Sunday) 	
Week 5 Feb 13 – Feb 17	 Chapter 5 (Lake, 2011) Cases for Case Law Briefs 	 Discussion Post (Friday) Case Law Briefs (Sunday) 	
Week 6 Feb 20 – Feb 24	 Chapter 6 & Conclusion (Lake, 2011) First Half (Chemerinksy, E. & Gillman, H.) 	 Discussion Post (Friday) Writing Center Visit 2 (Sunday) 	 Feb 24: Deadline to drop 1st 8-week classes with a Quit (Q) or Withdraw (W) Feb 24: End of course survey opens
Week 7 Feb 27 – Mar 3	 Second Half (Chemerinksy, E. & Gillman, H.) Pages 178 – 190 (Office of Civil Rights, Department of Education) – see URL in Course Readings & Material 	 Discussion Post (Friday) Interview Essay (Sunday) 	
Week 8 Mar 6 – Mar 10		 Make Your Case Video (Thursday) What You Learned Post (Friday) 	Mar 10: End of 1 st 8-week courses Mar 14: End of course survey closes

Course Topics, Calendar of Activities, Major Assignment Dates

You may find more important dates on the University's Academic Calendar and Registration Schedule.

TECHNOLOGY REQUIREMENTS AND SUPPORT

Technology Requirements

This course will use the A&M-Central Texas Instructure Canvas learning management system.

We strongly recommend the latest versions of Chrome or Firefox browsers. Canvas no longer supports any version of Internet Explorer.

Logon to A&M-Central Texas Canvas [<u>https://tamuct.instructure.com/</u>] or access Canvas through the TAMUCT Online link in myCT [<u>https://tamuct.onecampus.com/</u>]. You will log in through our Microsoft portal.

Username: Your MyCT email address. Password: Your MyCT password

Canvas Support

Use the Canvas Help link, located at the bottom of the left-hand menu, for issues with Canvas. You can select "Chat with Canvas Support," submit a support request through "Report a Problem," or call the Canvas support line: 1-844-757-0953.

For issues related to course content and requirements, contact your instructor.

Other Technology Support

For log-in problems, students should contact Help Desk Central (24 hours a day, 7 days a week). Email: helpdesk@tamu.edu; Phone: (254) 519-5466; Web Chat: [http://hdc.tamu.edu] Please let the support technician know you are an A&M-Central Texas student.

UNIVERSITY RESOURCES, PROCEDURES, AND GUIDELINES

Academic Accommodations

At Texas A&M University-Central Texas, we value an inclusive learning environment where every student has an equal chance to succeed and has the right to a barrier-free education. The Warrior Center for Student Success, Equity and Inclusion is responsible for ensuring that students with a disability receive equal access to the university's programs, services and activities. If you believe you have a disability requiring reasonable accommodations, please contact the Office of Access and Inclusion, WH-212; or call (254) 501-5836. Any information you provide is private and confidential and will be treated as such.

For more information, please visit our Access & Inclusion Canvas page (log-in required) [https://tamuct.instructure.com/courses/717]

Academic Integrity

Texas A&M University-Central Texas values the integrity of the academic enterprise and strives for the highest standards of academic conduct. A&M-Central Texas expects its students, faculty, and staff to support the adherence to high standards of personal and scholarly conduct to preserve the honor and integrity of the creative community. Any deviation by students from this expectation may result in a failing grade for the assignment and potentially a failing grade for the course. All academic misconduct concerns will be referred to the Office of Student Conduct. When in doubt on collaboration, citation, or any issue, please contact your instructor before taking a course of action.

For more information regarding the Student Conduct process, [https://www.tamuct.edu/studentaffairs/student-conduct.html].

If you know of potential honor violations by other students, you may submit a report, [https://cm.maxient.com/reportingform.php?TAMUCentralTexas&layout_id=0].

Drop Policy

If you discover that you need to drop this class, you must complete the Drop Request Dynamic Form through Warrior Web.

[https://dynamicforms.ngwebsolutions.com/casAuthentication.ashx?InstID=eaed95b9-f2be-45f3-a37d-46928168bc10&targetUrl=https%3A%2F%2Fdynamicforms.ngwebsolutions.com%2FSubmit%2FForm%2 FStart%2F53b8369e-0502-4f36-be43-f02a4202f612].

Faculty cannot drop students; this is always the responsibility of the student. The Registrar's Office will provide a deadline on the Academic Calendar for which the form must be completed. Once you submit the completed form to the Registrar's Office, you must go into Warrior Web and confirm that you are no longer enrolled. If you still show as enrolled, FOLLOW-UP with the Registrar's Office immediately. You are to attend class until the procedure is complete to avoid penalty for absence. Should you miss the drop deadline or fail to follow the procedure, you will receive an F in the course, which may affect your financial aid and/or VA educational benefits.

Important information for Pregnant and/or Parenting Students

Texas A&M University-Central Texas supports students who are pregnant and/or parenting. In accordance with requirements of Title IX and related guidance from US Department of Education's Office of Civil Rights, the Dean of Student Affairs' Office can assist students who are pregnant and/or parenting in seeking accommodations related to pregnancy and/or parenting. Students should seek out assistance as early in the pregnancy as possible. For more information, please visit Student Affairs [https://www.tamuct.edu/student-affairs/pregnant-and-parenting-students.html]. Students may also contact the institution's Title IX Coordinator. If you would like to read more about these requirements and guidelines online, please visit the website

[http://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf].

Title IX of the Education Amendments Act of 1972 prohibits discrimination on the basis of sex and gender—including pregnancy, parenting, and all related conditions. A&M-Central Texas is able to provide flexible and individualized reasonable accommodation to pregnant and parenting students. All pregnant and parenting students should contact the Associate Dean in the Division of Student Affairs at (254) 501-5909 to seek out assistance. Students may also contact the University's Title IX Coordinator.

Tutoring

Tutoring is available to all A&M-Central Texas students, both virtually and in-person. Student success coaching is available online upon request.

If you have a question, are interested in becoming a tutor, or in need of success coaching contact the Warrior Center for Student Success, Equity and Inclusion at (254) 501-5836, visit the Warrior Center at 212 Warrior Hall, or by emailing WarriorCenter@tamuct.edu.

To schedule tutoring sessions and view tutor availability, please visit Tutor Matching Services [https://tutormatchingservice.com/TAMUCT] or visit the Tutoring Center in 111 Warrior Hall. Chat live with a remote tutor 24/7 for almost any subject from on your computer! Tutor.com is an online tutoring platform that enables A&M-Central Texas students to log in and receive online tutoring support at no additional cost. This tool provides tutoring in over 40 subject areas except writing support. Access Tutor.com through Canvas.

University Library & Archives

The University Library provides many services in support of research across campus and at a distance. We offer over 200 electronic databases containing approximately 400,000 eBooks and 82,000 journals, in addition to the 96,000 items in our print collection, which can be mailed to students who live more than 50 miles from campus. Research guides for each subject taught at A&M-Central Texas are available through our website to help students navigate these resources. On campus, the library offers technology including cameras, laptops, microphones, webcams, and digital sound recorders.

Research assistance from a librarian is also available 24 hours a day through our online chat service, and at the reference desk when the library is open. Research sessions can be scheduled for more comprehensive assistance, and may take place virtually through WebEx, Microsoft Teams or in-person at the library. Schedule an appointment here [https://tamuct.libcal.com/appointments/?g=6956].

Assistance may cover many topics, including how to find articles in peer-reviewed journals, how to cite resources, and how to piece together research for written assignments.

Our 27,000-square-foot facility on the A&M-Central Texas main campus includes student lounges, private study rooms, group work spaces, computer labs, family areas suitable for all ages, and many other features. Services such as interlibrary loan, TexShare, binding, and laminating are available. The library frequently offers workshops, tours, readings, and other events. For more information, please visit our Library website [http://tamuct.libguides.com/index].

University Writing Center

University Writing Center: Located in Warrior Hall 416, the University Writing Center (UWC) at Texas A&M University–Central Texas (A&M–Central Texas) is a free service open to all A&M–Central Texas students. For the Spring 2022 semester, the hours of operation are from 10:00 a.m.-5:00 p.m. Monday thru Thursday in Warrior Hall 416 (with online tutoring available every hour as well) with satellite hours available online only Monday thru Thursday from 6:00-9:00 p.m. and Saturday 12:00-3:00 p.m. Tutors are prepared to help writers of all levels and abilities at any stage of the writing process. While tutors will not write, edit, or grade papers, they will assist students in developing more effective composing practices. By providing a practice audience for students' ideas and writing, our tutors highlight the ways in which they read and interpret students' texts, offering guidance and support throughout the various stages of the writing process. In addition, students may work independently in the UWC by checking out a laptop that runs the Microsoft Office suite and connects to WIFI, or by consulting our resources on writing, including all of the relevant style guides. Whether you need help brainstorming ideas, organizing an essay, proofreading, understanding proper citation practices, or just want a quiet place to work, the UWC is here to help!

Students may arrange a one-to-one session with a trained and experienced writing tutor by making an appointment via WCOnline [https://tamuct.mywconline.com/]. In addition, you can email Dr. Bruce Bowles Jr. at <u>bruce.bowles@tamuct.edu</u> if you have any questions about the UWC, need any assistance with scheduling, or would like to schedule a recurring appointment with your favorite tutor by making an appointment via WCOnline [https://tamuct.mywconline.com/]. In addition, you can email Dr. Bruce Bowles Jr. at bruce.bowles@tamuct.edu if you have any questions about the UWC, need any assistance with scheduling, or would like to schedule a recurring appointment with your favorite tutor by making an appointment via WCOnline [https://tamuct.mywconline.com/]. In addition, you can email Dr. Bruce Bowles Jr. at bruce.bowles@tamuct.edu if you have any questions about the UWC, need any assistance with scheduling, or would like to schedule a recurring appointment with your favorite tutor.

OTHER POLICY STATEMENTS

A Note about Sexual Violence at A&M-Central Texas

Sexual violence is a serious safety, social justice, and public health issue. The university offers support for anyone struggling with these issues. University faculty are mandated reporters, so if someone discloses that they were sexually assaulted (or a victim of Domestic/Dating Violence or Stalking) while a student at TAMUCT, faculty members are required to inform the Title IX Office. If you want to discuss any of these issues confidentially, you can do so through Student Wellness and Counseling (254-501-5955) located on the second floor of Warrior Hall (207L).

Sexual violence can occur on our campus because predators often feel emboldened, and victims often feel silenced or shamed. It is incumbent on ALL of us to find ways to actively create environments that tell predators we don't agree with their behaviors and tell survivors we will support them. Your actions matter. Don't be a bystander; be an agent of change. For additional information on campus policy and resources visit the Title IX webpage [https://www.tamuct.edu/compliance/titleix.html].

Behavioral Intervention

Texas A&M University-Central Texas cares about the safety, health, and well-being of its students, faculty, staff, and community. If you are aware of individuals for whom you have a concern, please make a referral to the Behavioral Intervention Team. Referring your concern shows you care. You can complete the referral online

[https://cm.maxient.com/reportingform.php?TAMUCentralTexas&layout_id=2].

Anonymous referrals are accepted. Please see the Behavioral Intervention Team website for more information [https://www.tamuct.edu/bit]. If a person's behavior poses an imminent threat to you or another, contact 911 or A&M-Central Texas University Police at 254-501-5805.

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