



UNIVERSITY OF NORTH GEORGIA
College of Education

EDD 7105: Ethics and Law in Higher Education Administration

Doctoral Program in Higher Education Leadership & Practice

Spring 2022

This document is not a contract between the instructor and students and is solely a description of the purpose, objectives, and proposed agenda for the class. This syllabus is subject to change at any time upon notice of the instructor.

INSTRUCTOR INFORMATION

Instructor: Katherine Rose Adams, Ph.D.

Office: Nesbitt 5156, Gainesville

Email: katherine.adams@ung.edu – PLEASE USE THIS EMAIL

Office Hours: I will be most accessible through email and will gladly host virtual office hours as needed. Please send me an email to schedule a video/phone conference.

COURSE DESCRIPTION

This course will introduce legal issues in the administration of higher education institutions and the ethical and legal principles applicable to their resolution. Specific topics of discussion will include codes of conduct and due process; academic freedom and tenure; freedom of expression; affirmative action; and freedom from discrimination. You will examine the foundations of higher education law, analyze cases, and explore application of the law in practice, while overlaying personal and professional ethical standards for consideration, as a means to advance your ability to make sound decisions in your various higher education roles. Additionally, you will familiarize yourself with fundamental and contemporary legal and ethical issues encountered by higher education professionals, be introduced to legal research and practical ways of addressing legal and ethical problems encountered in higher education, and engage in activities designed to enhance your critical thinking and writing skills.

This course is not a law school course. There is not an expectation that students know legal jargon or memorize local, state, or federal law. Knowledge gained in this course does not negate the need as a higher education professional to confer with university legal counsel when appropriate. This course is an opportunity to examine the risks, rights, and responsibilities of those engaged in higher education (as employees or students) and to make more informed judgments in situations regarding higher education law and policy.

TEXTS, MATERIALS, RESOURCES, AND TECHNOLOGY

Required Texts

Kaplin, W. A. & Lee, B. A. (2014). *The law of higher education. (student version) (5th ed.)*. San Francisco: Jossey-Bass.

*This book is now available through UNG library & ProQuest Ebook Central:

<https://ebookcentral.proquest.com/lib/northgeorgia/detail.action?pq-origsite=primo&docID=1584782>

Required Supplemental Materials

Throughout the semester, supplemental materials will be posted on the class site. Students are expected to read these materials and incorporate them into course assignments as appropriate.

Additional Resources

The following web sites are good resources for researching court opinions:

- LEXIS-NEXIS Academic Universe. www.lexis-nexis.com/universe
- Westlaw Campus Research. Available through UNG's Library research database.
- FINDLAW. <http://www.findlaw.com> (works especially well for Supreme Court cases and some of the other more noteworthy cases).

Desire to Learn (D2L)

All other course materials, including a copy of this syllabus, are available on **Desire to Learn (D2L)**, which serves as the primary facilitation point for this course. Technical support for this platform is provided by UNG's Department of Distance Education and Technology Integration, **DETI**, (<https://ung.edu/distance-education-technology-integration/index.php>) and the University System of Georgia's Desire2Learn Help Center's '[knowledge base](http://d2lhelp.view.usg.edu/)' (<http://d2lhelp.view.usg.edu/>). The USG D2L Help Center is available 24 hours a day, 7 days a week and should be consulted prior to calling for technical support (855.772.0423).

COURSE POLICIES:

- All assignments should be submitted **before 8 A.M. on the day that they are due**.
- All written assignments are expected to be presented in proper written format adhering to the APA 7 style, and include a formatted title and reference page.
- Treat other class members with the same respect and courtesy you would like for yourself at all times.
- Help create a safe learning community that strives for mutual exploration, discovery, and learning. Practice good and constructive group participation methods and behaviors.
- Actively read all things assigned for the course module, and use readings to engage in discussion activities.
- Raise relevant and fresh questions and contribute your observations and opinions.
- Treat information shared in class with respect, sensitivity, and confidentiality.
- Check D2L and your e-mail 2-3 times each week. I will often post announcements about the course.
- Provide feedback and input about how the course is going. **Your continuous input is invited**. I will also provide a few opportunities to more formally offer your input about how to improve the course, and every reasonable effort will be made to address your input.

COURSE COMMUNICATION:

Communication between instructor and student will be through email (please only katherine.adams@ung.edu). I will make every attempt to reply within 48 hours to all forms of communication. I will make every attempt to return all assignments within one week. Due to the constant communication ability of this course, I will not be holding formal virtual office hours, but will happily schedule meetings around your schedule.

KEY DATES:

1/10	Full Session Classes Begin
1/14	Drop/Add Ends (at noon)
1/17	Dr. Martin Luther King Day
3/4	Full Session Withdrawal Deadline
3/14-18	Spring Break
4/29	Classes End
5/2-6	Finals
5/9 by 3pm	Grades Due

COURSE ASSIGNMENTS:

1. ***Discussion and Online Participation (30%)*** – There will be *weekly* reading assignments and guided questions towards each module that will be composed of the discussion and participation aspect of this course. Required reading, noted in the course outline, is to be completed in advance of the discussions for which it is assigned. Class discussions will assume that the readings have been done. There will be questions in each module that will require effort and time for your responses. Typically, each question will require 1-2 paragraphs to answer. Along with answering these questions, you are also responsible for providing at least **two substantive** (See D2L for guidelines) replies to your fellow classmates' responses. *See Assignment for more details.*
2. ***Ethics Article Review and Module Presentation (15%)***
You must locate an article that explores the ethical challenges within higher education related to one of the legal topics covered in class. The article may originate in a refereed journal, a higher education organization's publication, or from another related source. Your review is to be no more than three, double-spaced pages in length – not including the title or reference. As well, you will create a presentation on your paper topic, which will be one week's module. *See Assignment for more details.*
3. ***Case Brief (15%)***
Case law briefs are tools for summarizing and synthesizing the essential information regarding a specific case. Through writing briefs, students learn to mine the text of a case for the essential points and issues including how the court's decision impacts higher education. You will write one case brief on a topic of interest to you. Case briefs are to take up no more than three pages. An example of a case brief will be posted to the course site in D2L. *See Assignment for more details.*
4. ***Legal Summary and Recommendation Paper & Presentation (25%)***
It is important for higher education administrators to make informed decisions and clearly communicate official positions about current legal issues. To do so, one must look to and

learn from past cases and decisions, as well as relevant statutes and other sources. To evaluate competency in this area, each student will research and write a legal summary and recommendation paper on a legal issue or institutional policy of your choosing. This paper is not to be longer than 12 pages. As well, you will create a presentation on your paper topic, which will be the final module content & discussion. *See Assignment for more details.*

5. Ethics Reflection Paper (15%)

This assignment requires you to synthesize your core standards and ethical guidelines for professional practice. When crafting your reflection, consider the course readings, professional standards for your current and aspirational disciplines, class discussions, and additional resources that have helped guide your ethical perspectives. The content and perspectives expressed will be uniquely your own and there will be no right or wrong answers. However, you are expected to clearly organize and present your thoughts in a way that addresses the various components of your work in higher education and allows the reader to understand the rationale behind your perspectives. The paper is to be no longer than five pages in length, not including title page or reference list. *See Assignment for more details.*

GRADING

Assignment	Percent of total grade
Participation & Discussion	30
Ethics Article Review	15
Case Brief	15
Legal Summary & Presentation	25
Ethics Practice Reflection Paper	15

Grades will be assigned using the following grading scale and generated from the percentage of points received on all assignments throughout the semester:

Letter Grade	Percentage Grade
A	90-100%
B	80-89%
C	70-79%
D	60-69%
F	Below 60%

There is no preconceived designation of the number of class members to receive each grade, nor any ceiling on the number of “A’s” to be assigned if all students exhibit the high standards of performance expected for that grade.

Incompletes will not be given except in the documented case of a medical or personal emergency. Incompletes are reserved for instances in which a student, who has been making satisfactory progress, is unable to complete the remainder of the course requirements due to extenuating circumstances. If such an instance occurs, the instructor must be contacted to negotiate a reasonable extension of time.

COURSE CALENDAR:

Readings and assignments are listed on the day that they are due. The schedule may be modified to fit our needs throughout the semester. If you have questions regarding the content presented in class, assigned readings, grades, assignments, and so forth, please ask! Every effort will be made to help you understand. Assignments are due by **8 A.M.** on the date stated on the calendar.

Date	Topic	Reading	Assignments
Jan 10- Jan 16	General Introduction to HE Law Overview of HE Law – Pt. 1	Kaplin & Lee, pp. 1-8 Kaplin & Lee, pp. 11-32	*Weekly Discussion Postings throughout Semester
Jan 17- Jan 23	Legal Planning and Dispute Resolution The College’s Authority and Liability Professional Ethics and Standards	Kaplin & Lee, pp. 33-90 Kaplin & Lee, pp. 93-97	
Jan 24 – Jan 30	Introduction to Ethics – Part 1	See Course Readings in D2L	Submit Ethics Article and Case Brief Topic for Approval by 1/31
Jan 31 – Feb 6	Introduction to Ethics – Part 2	See Course Readings in D2L	
Feb 7 – Feb 13	The Institution and It’s Employees Staff & Faculty	Kaplin & Lee, pp. 136-158; 213-225; 243-276	
Feb 14 – Feb 20	The Institution and It’s Students	Kaplin & Lee, pp. 343-353; 376-379; 446-447; 455-461; 733-739; 476-481; 495-500	Case Brief Due 2/21
Feb 21 – Feb 27	Freedom of Speech, Association; Expressive Activity	Kaplin & Lee, pp. 602-624; 624-636; 685-704	
Feb 28 - March 6	Academics: Academic Freedom, Tenure, Collective Bargaining	Kaplin & Lee, pp. 275-340; 353-368; 507-518	
March 7- March 13	Torts: Duty of Protection, Negligence, Civil Liberties	Kaplin & Lee, pp. 97-125	
SPRING BREAK March 14 – March 18			
March 21- March 27	Discrimination: Employment, Disability	Kaplin & Lee, pp. 159-191; 231, 389-395; 519-533; 731-733	Ethics Paper & Presentations Due 3/21
March 28 – April 3	Ethics Presentation	Review Peer Presentations	
April 4 – April 10	Student Conduct, Due Process, Implicit Bias	Kaplin & Lee, pp.569-580; 580-587; 587-602	
April 11 – April 17	Guest Lecturer: Title IX	Readings & Case Study in D2L	

April 18- April 24	Higher Education Law & Mental Health	Kaplin & Lee, pp. 584-587; 732-733	Legal Summary Paper & Presentation Due 4/25
April 25 – April 29	Legal Issues Round-Up Class Presentations	Class Peer Presentations	Ethics Reflection Paper Due 4/29

INSTITUTIONAL POLICIES AND PRACTICE

Accommodation for Students with Disabilities

The University of North Georgia is committed to equal access to its programs, services, and activities for individuals with disabilities. If you believe that you have a disability requiring an accommodation and/or services, you must register with UNG Student Disability Services (SDS) and provide supporting documentation. Students are responsible for arranging with instructors, and must give reasonable prior notice of the need for accommodation. Additional Information and contact information for [SDS](http://ung.edu/student-disability-services/) can be found at <http://ung.edu/student-disability-services/>.

Academic Integrity

UNG's honor code, "*On my honor, I will not lie, cheat, steal, plagiarize, evade the truth, or tolerate those who do,*" reflects UNG's commitment to academic integrity. Suspected violations of the Academic and Professional Integrity policies will lead to a misconduct report being submitted to the Office of the Dean of Students. Please refer to [Student Code of Conduct](https://ung.edu/student-integrity/conduct-policies/student-code-of-conduct-policy.php), found at <https://ung.edu/student-integrity/conduct-policies/student-code-of-conduct-policy.php>, for a complete description of UNG's policies and procedures regarding student conduct.

Electronic Monitoring

Plagiarism is using another person's words, images, or ideas and passing it off as your own. Plagiarism (either known or accidental) is not accepted and can result in a zero on the assignment or failure of the course and a referral to the Dean of Students to address the Student Code of Conduct violation. Written work for this course is submitted on LiveText and D2L. LiveText and D2L will automatically submit the student's work to Turnitin.com to check for plagiarism. "Students agree that by taking this course all required papers may be subject to submission for textual similarity review to Turnitin.com for the detection of plagiarism. All submitted papers will be included as source documents in the Turnitin.com reference database solely for detecting plagiarism of such papers. Use of the Turnitin.com service is subject to the Terms and Conditions of Use posted on the Turnitin.com site."

Course Evaluations

Class evaluations are conducted on-line through Banner and are considered a component of the course; thus, students will not be permitted to access their course grade until the evaluation has been completed. The evaluations will be accessible beginning one week prior to Final Exam week at which time specific instructions are provided. Please be aware that the constructive feedback offered by students through this system is systematically reviewed and utilized to make course and program improvements. Your participation is valued!

COLLEGE OF EDUCATION POLICIES AND PRACTICES

Multicultural Education

Multicultural/global education develops the knowledge, skills, and attitudes that are the basis for decision-making and participation in a world characterized by cultural pluralism, interconnectedness, and international economic competition. Multicultural/global approaches to education recognize that administrators must understand the complexity of globalization and develop skills in cross-cultural interaction if they are to support the development of effective citizens in a pluralistic and interdependent world. Cross-cultural understanding, respectful behavior and communication, open-mindedness, anticipation of complexity, resistance to stereotyping or derision of cultural differences and perspectives, knowledge, and appreciation of other peoples' points of view--are essential in the development of a global perspective. Higher education administrators bear significant responsibility as a source of powerful influence in the lives of the institution's students, faculty, and staff to challenge bias in thinking, behavior, curriculum and assessment. College of education doctoral students are expected to communicate positively and respectfully with individuals without regard to disability status, socioeconomic, cultural or language background.

Participation and Professionalism

The University of North Georgia and the College of Education require that students actively participate in all instructional activities. Participation (attendance) encompasses reading selected text and articles, posting and

responding to discussions, completing projects, preparing and making presentations, etc. in concert with the course syllabus and schedule; and you are expected to remain active on the class site each week as directed by the syllabus and course schedule. You are expected at all times to demonstrate appropriate **online etiquette** and remember these are academic, rather than casual, exchanges. When in doubt about etiquette or if you feel you are not being received as intended online, please do not hesitate to consult with me. Additional netiquette information is shared in this [resource](#).

Appendix A:
List of Select Legal, Ethics, and Policy Related Professional Organizations

- National Association of College and University Attorneys (www.nacua.org)
- Association of Student Conduct Administration (www.theasca.org)
- American Association of University Professors (AAUP) Policy Documents & Reports (AAUP, 10th ed. 2006); see also www.aaup.org (for a variety of statements and reports on legal and policy issues in higher education)
- American Association of Collegiate Registrars and Admission Officers (www.aacrao.org) Click on AACRAO Transcript and AACRAO SecureU for updates on legal issues
- Campus Legal Information Clearinghouse, Office of General Counsel, The Catholic University of America (<http://counsel.cua.edu>)
- National Center for Higher Education Risk Management (www.ncherp.org)
- Family Policy Compliance Office, U.S. Department of Education (<http://www2.ed.gov/policy/gen/guid/fpco/index.html>)
- National Immigration Law Center (<http://www.nilc.org>)
- Foundation for Individual Rights in Education (<http://www.thefire.org>)
- U.S. Code (<http://uscode.house.gov>) (all Federal statutes)
- Federal Judiciary Homepage (<http://www.uscourts.gov/courtlinks.html>)
- Higher Education Compliance Alliance (<http://www.higheredcompliance.org>)
- Equal Employment Opportunity Commission (EEOC) (<http://www.eeoc.gov>)
- Student Press Law Center (<http://www.splc.org>)
- Inside Higher Education (<http://www.insidehighered.com>) (see section on ‘Quick Takes’)
- The Chronicle of Higher Education (<http://www.chronicle.com>)
- Student Affairs Educators in Higher Education (NASPA) (www.naspa.org)
- ACPA College Student Educators International (<http://www2.myacpa.org/>)
- Council for the Advancement of Standards in Higher Education (www.cas.edu)
- Journal of College and Character (UNG on-line library resources or NASPA)
- Markkula Center for Applied Ethics (www.scu.edu/ethics/)