

# EDH 705: Higher Education Law

## UNIVERSITY OF NEVADA LAS VEGAS

### Educational Psychology and Higher Education

Professor	
Time(s):	
Class Location:	
Office Location:	
Office Hours:	
Phone:	702-895-3245
WebCampus:	<a href="https://webcampus.unlv.edu">https://webcampus.unlv.edu</a>
Email:	

**Note:** The instructor reserves the right to change the syllabus as it relates to how the course is administered.

## Course Overview

This course is designed for advanced-level graduate students to develop and build on their understanding of higher education as a public good. It explores basic legal theories and their application in higher education, using a case method of study and discussion. It covers such topics as constitutional mandates of due process and equal protection, nondiscrimination in employment and educational programs, privacy and openness, tenure and academic freedom, contractual obligations, and program discontinuance.

## **Course Objectives**

The purpose of this course is to help students gain basic knowledge of higher education systems and policies, but also to think critically about higher education's purpose and function. Students will learn to apply scholarly and legal lenses to higher education issues and to bracket personal opinions in order to participate in the Socratic tradition of impartiality.

## **Course Activities**

In this course, you will develop an understanding of higher education law by facilitating and discussing higher education law. You will regularly facilitate the discussion of a particular case and guide your colleagues through thought-provoking questions and/or activity. Basic homework therefore will always include preparing for class discussions by completing assigned text reading(s) and module assignment(s).

## **Required Text**

Daniel, P.T.K., Gee, G., Sun, J.C., & Pauken, P.D. (2012). *Law, Policy, and Higher Education*. LexisNexis.

Various articles on Webcampus (located in the Modules).

## **Recommended Text**

American Psychological Association. (2019). *Publication Manual of the American Psychological Association*. 7th ed. Washington: APA.

## **Instructional Methodology:**

Our course meets hybrid; thus, we will meet each Tuesday from 7:00pm – 9:45pm. The first half of the semester we will meet via Zoom. I will do a pulse check early October and evaluate if we should return to face to face for the remainder of the semester.

## **Plagiarism Policy:**

Plagiarism is strictly prohibited and can result in severe consequences. This includes any idea, thought, wording, that is not your own. My policy: if it is not common knowledge, cite it. It is better to be safe and give credit. When citing, include a reference list (this should be the last page of your document) with the heading "Reference List." Utilize the APA 7th edition handbook as it is a wonderful resource on plagiarism.

## **Academic Writing:**

My goal as a professor is to help you develop your academic writing; thus, technical writing, APA citations, organizations, and format are developing skills. Utilize the campus resources that

are here for you including the [Writing Center](https://writingcenter.unlv.edu/), <https://writingcenter.unlv.edu/>, located in the Central Desert Complex, Building 3, Room 301 (CDC 3–301).

As you begin to construct your research, the writing process can become a challenge and overwhelming. Please utilize me as a resource to assist you in both the development of your research and strengthening your academic writing. I was in your journey not too long ago and know the amount of time and effort it takes to be a successful doctoral student.

All written assignments must be in APA format, Times New Roman font, size 12. Reference the APA manual for assistance.

### **Missed Class(es):**

As a general rule, a student missing a class or assignment because of observance of a religious holiday shall have the opportunity to make up missed work. Students must notify the instructor of anticipated circumstances by the first week of class to be assured of this opportunity. Note: Students who represent UNLV at any official extracurricular activity shall also have the opportunity to make up assignments, but the student must provide official written notification to the instructor no less than one week prior to the missed class(es). Accommodations will only be made in accordance with the official UNLV policies for students away for an official UNLV event with prior notification, or for a documented medical emergency.

### **Respect Differing Views:**

Students should be respectful of differing views. At times we will discuss sensitive and challenging issues or current topics. Honest and sincere differences of opinion will be respected, however, personal attacks directed to a specific individual will not.

### **Expectations of Students:**

Learning is best when students are an “Active Participant.” Students are expected to come to class having completed the assigned readings, supplemental materials, and modules. A good portion of our class discussion will rely on your understanding the various themes of higher education law (see course schedule) and its application to practice in higher education.

### **Description of Assignments:**

#### **Higher Education Law Case Facilitation: (10 points each)**

Throughout the semester you will lead the class through at least two discussions on cases from the textbook or assigned case readings. Do not stress: during week two we will model how these will work. Keep in mind this is a Higher Education Law class; thus, we will apply the following model for facilitation: **(F)IRAC**.

#### **(F)IRAC stands for:**

- **FACTS:** The facts as the court found them to be

- **ISSUE:** The problem the court faced
- **RULE:** The relevant law the court used to solve it
- **ANALYSIS:** How the court applied the rule to the facts
- **CONCLUSION:** The outcome of the case

<b>Theme</b>	<b>Explanation</b>
<b>Facts</b>	<i>Eliminate facts that are not relevant to the court's analysis. Include facts that are relevant to the case and its outcome.</i>
<b>Issue</b>	<i>What is the question presented to the court? Focus on a single issue (the one that your analysis suggests is the primary issue relevant to the outcome). The answer to the question will help to ultimately determine which party is liable and on what grounds.</i>
<b>Rule(s)</b>	<i>Determine what the relevant rules of law are that the court uses to make its decision. In other words, what precedence is used to determine the outcome? Explain the relevance of the precedent with brief examples. Brevity and precision are paramount in explaining the rule(s).</i>
<b>Application</b>	<i>Describe how the courts applied the rule to the facts. Or, put another way, what are the relevant facts given the rule of law? How does the court interpret the rule?</i>
<b>Conclusion</b>	<i>Describe (in your own words) the court's ultimate finding. What was the final outcome of the case?</i>

Learning how to synthesize and summarize information is critical to producing scholarship (legal and/or research-based). The standards in the class are higher than you might imagine and you will be held accountable to these high standards from the beginning. Avoid giving an oral "book report" of the case. Assume everyone has read the case already and that you are leading a discussion amid convening scholars. When you regurgitate facts without synthesizing, you are not leading a discussion.

### **Research Agenda (20 points)**

You have been challenged to give a last minute presentation on any topic related to your research interest(s). To prepare for this presentation:

- Briefly discuss your research interest(s)
- Why this research is interesting to you?
- What impact can your "expertise" have on your research area?
- In what way(s) does your research agenda "directly" impact Higher Education?
- Are there any court case(s) that relate to your research interest(s)? We are all in higher education, I can guarantee there is at least once. Do the research, there is no wrong answer. The goal is to get comfortable discussing cases. What is the case? What are the implications for higher education? Let me know if you have trouble locating one.

### **Short Essay: Case Brief Analysis (40 points)**

This short written assignment (4 pages maximum) intends to promote critical analysis on two relevant court cases through the process of responding to a few questions. You can select any two court cases that are of interest to you. For example, my research area focuses on Access and Participation of African American Males in Higher Education Programs. In the broader sense this is related to race based admission (Affirmative Action) policies so a contemporary case I could examine would be *Fisher v. Texas* (2016) and the earlier *Grutter v. Bollinger* (2003) cases. Both had long-term implications for not just African American Males but higher education policy as a whole.

The essays must be **interpretive** rather than simply summary statements. Employ a critical/analytic lens through which to comment on how the readings are instructive to you in furthering your understanding of the specific issues or the overall higher education enterprise. You must adhere to the current APA guidelines. We will discuss in detail when assigned.

### **Student Affairs Legal Issues Analysis and Presentation (70 points)**

For the final paper in the course, you will research a contemporary incident or issue involving college students, college administrators, student affairs professional practice, state or federal legislation or policy. There are so many contemporary issues facing higher education even within the last five years. As such, try to limit your selection within a five year time frame. More importantly, select an issue that is closely tied to your area of research (interests). Hint: Remember, your research agenda. Feel free to continue your focus on the case(s) you analyzed in the short essay as well.

Students will create a written “case brief” outlining the issue(s) (you must present both or multiple sides of the issue), legal claims, relevant case law, state or federal statute, and decision/holding (outcome) for peers to consider and discuss. The overarching topic must derive from contemporary sources (e.g., newspaper, research article, etc) that connect (**directly**) with their respective area of interest (i.e., college athletics, financial aid, residence life). The purpose is to provide an interpretation and analysis from the source material(s).

Criteria for activity:

- Clearly provide a few key points about your article/source and its relevance for the class
- Offer your point of view/interpretation about central issues and/or questions raised in from the source including important facts, claims, arguments, and assumptions presented by the source material.
- Make clear connections to class readings and/or discussions.
- Provide maximum four questions for class discussion.

**MODULE ACTIVITIES**— throughout each module there will be additional learning exercises, video clips, etc. for students to engage the course material.

## Additional Course Information

1. Late assignments will not be accepted. If you encounter an issue, please notify me. I understand, life happens. Exceptions will be made in extreme emergencies or a University excused absence only.
2. All assignments must be submitted to Webcampus.
3. All assignments must be 12 point, Times New Roman, double spaced, and follow APA 7<sup>th</sup> edition.

Grades will be based on total points possible and will be based on accumulated point totals of all course experiences. The percentage/letter grade exchange will be as follows:

Grade	Percentage	Grade	Percentage	Grade	Percentage
A	94 - 100	B-	83.9 – 80	D+	69.9 – 68
A-	93.9 – 90	C+	79.9 – 78	D	67.9 - 64
B+	89.9 – 88	C	77.9 – 74	D-	63.9 – 60
B	87.9 – 84	C-	73.9 -70	F	< 59

**Tentative Course Outline:** The Professor has the discretion to change the course outline throughout the semester in the event of any campus closure or movement of readings and assignments.

Date	Topic	Readings
Week 1	Course Introduction	
Week 2	History of Higher Education Laws  Case Facilitation Practice	<ul style="list-style-type: none"> <li>• Chapter 1</li> <li>• Module (as assigned)</li> </ul>
Week 3	Governance & Liability	<ul style="list-style-type: none"> <li>• Chapter 2</li> <li>• Module (as assigned)</li> </ul>

	<p>Research Agenda Presentations</p> <p>Upload your assignment by 11:59PM, 9/8</p>	
<b>Week 4</b>	Employment Relations	<ul style="list-style-type: none"> <li>• Chapter 3</li> <li>• Module (as assigned)</li> </ul>
<b>Week 5</b>	Faculty Rights & Responsibilities	<ul style="list-style-type: none"> <li>• Chapter 4</li> <li>• Module (as assigned)</li> </ul>
<b>Week 6</b>	College-Student Relationship	<ul style="list-style-type: none"> <li>• Chapter 5</li> <li>• Module (as assigned)</li> </ul>
<b>Week 7</b>	Student Free Expression	<ul style="list-style-type: none"> <li>• Chapter 6</li> <li>• Module (as assigned)</li> </ul>
<b>Week 8</b>	<p>Student Rights and Responsibilities</p> <p>Short Essay: Case Brief due by 11:59PM, 10/17</p>	<ul style="list-style-type: none"> <li>• Chapter 7</li> <li>• Module (as assigned)</li> </ul>
<b>Week 9</b>	Intercollegiate Athletics	<ul style="list-style-type: none"> <li>• Chapter 8</li> <li>• Module (as assigned)</li> </ul>
<b>Week 10</b>	Federal Funding & Regulation	<ul style="list-style-type: none"> <li>• Chapter 9</li> <li>• Module (as assigned)</li> </ul>
<b>Week 11</b>	The Black Freedom Movement/Fight for Civil Rights	<ul style="list-style-type: none"> <li>• Module (as assigned)</li> </ul>

	and American Higher Education	
<b>Week 12</b>	Critical Race Theory and the implications of Diversity, Equity, and Inclusion in Higher Education	<ul style="list-style-type: none"> <li>• Module (as assigned)</li> </ul>
<b>Week 13</b>	State & Local Governments	<ul style="list-style-type: none"> <li>• Chapter 10</li> <li>• Module (as assigned)</li> </ul>
<b>Week 14</b>	NO Class. Enjoy the week 😊	
<b>Week 15</b>	<p>Student Affairs Legal Issues Presentations</p> <p>Program Integrity, Intellectual Property &amp; Commercialization</p>	<ul style="list-style-type: none"> <li>• Chapters 11 and 12 (Dr. Johnson will cover. Get a general understanding but focus on your presentation).</li> <li>• Module (as assigned)</li> </ul>
<b>Week 16</b>	Finals Week	Student Affairs Legal Issues Analysis Final Paper Due. Please submit by 11:59PM, Friday, December 10, 2021.

## UNLV Land Acknowledgment

The University of Nevada, Las Vegas wishes to acknowledge and honor the Indigenous communities of this region, and recognize that the university is situated on the traditional homelands of the Nuwuvi, Southern Paiute People. We offer gratitude for the land itself, for those who have stewarded it for generations, and for the opportunity to study, learn, work, and be in community with this land. We encourage everyone in this space to engage in continued learning about the Indigenous peoples who work and live on this land since time immemorial, including the Las Vegas Paiute Tribe and the Moapa Band of Paiutes, and about the historical and present realities of colonialism. As one of the most diverse universities in the United States, UNLV believes it is important to recognize and appreciate the use of Southern Paiute land as part of its mission to be a welcoming and inclusive place for working and learning.



# **UNLV Policies**

## **Academic Misconduct**

Academic integrity is a legitimate concern for every member of the University community. We all share in upholding the fundamental values of honesty, trust, respect, fairness, responsibility, and professionalism. By choosing to join the UNLV community, students accept the expectations of the Student Academic Misconduct Policy, and are encouraged to always take the ethical path whenever faced with choices. Students enrolling at UNLV assume the obligation to conduct themselves in a manner compatible with UNLV's educational mission. An example of academic misconduct is plagiarism. Plagiarism is using the words or ideas of another person, from the Internet or any other source without proper citation of the source(s). See the [Student Conduct Code](https://www.unlv.edu/studentconduct/student-conduct), <https://www.unlv.edu/studentconduct/student-conduct>.

## **Diversity Statement**

As an institution of higher learning, UNLV represents a rich diversity of human beings among its faculty, staff, and students, and is committed to aspiring to maintain a Campus environment that values that diversity. Accordingly, the University supports understanding and appreciation of all members of its community, regardless of race, sex, age, color, national origin, ethnicity, creed, religion, disability, sexual orientation, gender, gender identity, marital status, pregnancy, genetic information, veteran status, or political affiliation. Please see [University Statements and Compliance](https://www.unlv.edu/about/statements-compliance), <https://www.unlv.edu/about/statements-compliance>.

A successful learning experience requires mutual respect and trust between the students and the instructor. Accordingly, the instructor asks that students be willing to listen to one another's points of view, acknowledging that there may be disagreements, keep discussion and comments on topic, and use first person, positive language when expressing their perspectives.

## **Auditing a Course**

Auditing a course allows a student to continue attending the lectures and/or laboratories and discussion sessions associated with the course, but the student will not earn a grade for any component of the course. Students who audit a course receive the same educational experience as students taking the course for a grade, but will be excused from exams, assessments, and other evaluative measures that serve the primary purpose of assigning a grade.

## **Classroom Conduct**

Students have a responsibility to conduct themselves in class and in the libraries in ways that do not interfere with the rights of other students to learn, or of instructors to teach. Use of devices such as cellular phones and pagers, or other potentially disruptive activities are only permitted with the prior explicit consent of the instructor. Students are specifically prohibited to record classes without instructor authorization, including online/remote classes (either audio only, or video and audio). The instructor may rescind permission at any time during the class. If a

student does not comply with established requirements or obstructs the functioning of the class, the instructor may initiate an administrative withdrawal of the student from the course.

Since the COVID-19 pandemic forced some instruction to be delivered remotely starting in Spring 2020, numerous students have asked instructors to record their synchronous classes, so that they can access them at their convenience. Instructors who agree to record their classes (audio only, or video and audio) should inform students in advance. Recorded lectures may not be broadly released to anyone, but made available exclusively to those students enrolled in the class during the particular academic term. Recorded lectures must be stored securely, and are subject to the Nevada System of Higher Education's Records Retention Policy, meaning that the recordings can only be deleted 120 days after the end of class (i.e., after grades are posted). Once this requirement is met, the recordings should be deleted. Class recordings are protected from disclosure, as they are deemed part of an educational record under the Family Educational Rights and Privacy Act (FERPA).

## Copyright

The University requires all members of the University Community to familiarize themselves with, and to follow copyright and fair use requirements. You are individually and solely responsible for violations of copyright and fair use laws. The University will neither protect nor defend you, nor assume any responsibility for student or employee violations of fair use laws. Violations of copyright laws could subject you to federal and state civil penalties and criminal liability, as well as disciplinary action under University policies. Additional [copyright policy information](https://www.unlv.edu/provost/copyright) is available at <https://www.unlv.edu/provost/copyright>.

## Disability Resource Center (DRC)

The [UNLV Disability Resource Center](https://www.unlv.edu/drc) (Student Services Complex, SSC-A, Room 143, <https://www.unlv.edu/drc>, telephone 702-895-0866) provides resources for students with disabilities. Students who believe that they may need academic accommodations due to a permanent disability, temporary or permanent medical need, or academic support due to pregnancy are encouraged to contact the DRC as early as possible in the academic term. A Disabilities Specialist will discuss what options may be available to you. Students who are already registered with the DRC should request their accommodations online each semester, and make an appointment to discuss their accommodations with their instructors.

## Final Examinations

The University requires that final exams given at the end of a course occur on the date and at the time specified in the Final Exam schedule. The Final Exam schedule is typically available at the start of the semester, and the classroom locations are available approximately one month before the end of the semester. See the [Final Exam Schedule](https://www.unlv.edu/registrar/calendars), <https://www.unlv.edu/registrar/calendars>.

## Identity Verification in Online Courses

All UNLV students must use their Campus-issued ACE ID and password to log in to WebCampus-Canvas.

UNLV students enrolled in online or hybrid courses are expected to read and adhere to the [Student Academic Misconduct Policy](https://www.unlv.edu/studentconduct/misconduct/policy), <https://www.unlv.edu/studentconduct/misconduct/policy>, which states that “acting or attempting to act as a substitute for another, or using or attempting to use a substitute, in any academic evaluation or assignment” is a form of academic misconduct. Intentionally sharing ACE login credentials with another person may be considered an attempt to use a substitute, and could result in investigation and sanctions, as outlined in the Student Academic Misconduct Policy.

UNLV students enrolled in online courses are also expected to read and adhere to the [Acceptable Use of Computing and Information Technology Resources Policy](https://www.it.unlv.edu/policies/acceptable-use-computing-and-information-technology-resources-policy), <https://www.it.unlv.edu/policies/acceptable-use-computing-and-information-technology-resources-policy>, which prohibits sharing university accounts with other persons without authorization.

To the greatest extent possible, all graded assignments and assessments in UNLV online courses should be hosted in WebCampus-Canvas or another UNLV-managed platform that requires ACE login credentials for access.

## **Incomplete Grades**

The grade of “I” (Incomplete) may be granted when a student has satisfactorily completed three-fourths of course work for that semester/session, but cannot complete the last part of the course for reason(s) beyond the student’s control and acceptable to the instructor, and the instructor believes that the student can finish the course without repeating it. For undergraduate courses, the incomplete work must be made up before the end of the following regular semester. Graduate students receiving “I” grades in 500-, 600-, or 700-level courses have up to one calendar year to complete the work, at the discretion of the instructor. If course requirements are not completed within the period indicated, a grade of “F” will be recorded, and the student’s GPA will be adjusted accordingly. Students who are fulfilling an Incomplete grade do not register for the course, but make individual arrangements with the instructor who assigned the “I” grade.

## **Library Resources**

Librarians are available to consult with students on research needs, including developing research topics, finding information, and evaluating sources. To make an appointment with a subject expert for this class, please visit the [Libraries’ Research Consultation](https://guides.library.unlv.edu/appointments/librarian) website, <https://guides.library.unlv.edu/appointments/librarian>. You can also [ask the library staff](https://ask.library.unlv.edu/) questions via chat and text message at <https://ask.library.unlv.edu/>.

## **Missed Classwork**

Any student missing class, quizzes, examinations, or any other class or laboratory work because of observance of religious holidays will be given an opportunity during that semester to make up the missed work. The make-up opportunity will apply to the religious holiday absence only. It is the responsibility of the student to notify the instructor within the first 14 calendar days of the course for Fall and Spring courses (except for modular courses), or within the first 7 calendar days of the course for Summer and modular courses, of their intention to participate in religious holidays which do not fall on state holidays or periods of class recess. For additional information, please visit the Missed Classwork policy, under Registration Policies, on the [Academic Policies](https://catalog.unlv.edu/content.php?catoid=32&navoid=8271&hl=) webpage, <https://catalog.unlv.edu/content.php?catoid=32&navoid=8271&hl=>.

In accordance with the policy approved by the Faculty Senate regarding missed class time and assignments, students who represent UNLV in any official extracurricular activity will also have the opportunity to make up assignments, provided that the student submits official written notification to the instructor no less than one week prior to the missed class(es).

The spirit and intent of the policy for missed classwork is to offer fair and equitable assessment opportunities to all students, including those representing the University in extracurricular activities. Instructors should consider, for example, that in courses which offer a “Drop one” option for the lowest assignment, quiz, or exam, assigning the student a grade of zero for an excused absence for extracurricular activity is both contrary to the intent of the Faculty Senate’s policy, and an infringement on the student’s right to complete all work for the course.

This policy will not apply in the event that completing the assignment or administering the examination at an alternate time would impose an undue hardship on the instructor or the University that could be reasonably avoided. There should be a good faith effort by both the instructor and the student to agree to a reasonable resolution. When disagreements regarding this policy arise, decisions can be appealed to the Department Chair/School Director, College/School Dean, and/or the Faculty Senate Academic Standards Committee.

For purposes of definition, extracurricular activities may include, but are not limited to academic recruitment activities, competitive intercollegiate athletics, fine arts activities, liberal arts competitions, science and engineering competitions, and any other event or activity sanctioned by a College/School Dean, and/or by the Executive Vice President and Provost.

## **Rebelmail**

Rebelmail is UNLV’s official email system for students and by University policy, instructors and staff should only send emails to students’ Rebelmail accounts. Rebelmail is one of the primary ways in which students receive official University communications, information about deadlines, major Campus events, and announcements. All UNLV students receive a Rebelmail account after they have been admitted to the University. Sending emails within WebCampus-Canvas is also acceptable.

## **Tutoring and Coaching**

The Academic Success Center (ASC), at the Claude I. Howard Building, provides tutoring, academic success coaching, and other academic assistance for all UNLV undergraduate students. For information regarding tutoring subjects, tutoring times, and other ASC programs and services, please visit the [ASC website](https://www.unlv.edu/asc), <https://www.unlv.edu/asc>, or call 702-895-3177. The ASC is located across from the Student Services Complex (SSC). Academic success coaching is located on the second floor of SSC A, Room 254. Drop-in tutoring is located on the second floor of the Lied Library, and on the second floor of the College of Engineering building (TBE A 207).

## **UNLV Writing Center**

One-on-one or small group assistance with writing is available free of charge to UNLV students at the [Writing Center](https://writingcenter.unlv.edu/), <https://writingcenter.unlv.edu/>, located in the Central Desert Complex, Building 3, Room 301 (CDC 3–301). Walk-in consultations are sometimes available, but students with appointments receive priority assistance. Students may make appointments in person or by calling the Center, telephone 702-895-3908. Students are requested to bring to their appointments their Rebel ID Card, a copy of the instructions for their assignment, and two copies of any writing they have completed on their assignment.