

COLLEGES OF WORCESTER CONSORTIUM

Certificate in College Teaching

Syllabus

IDND 30512: Legal Issues in College Teaching

Summer 2009

LOCATION Clark University
Room: TBA
Directions: <http://www.worcester.clarku.edu/admissions/visit/directions.cfm>

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INTRODUCTION TO COURSE

This course is a one credit elective in the Certificate in College Teaching program offered by the Colleges of the Worcester Consortium, Inc. The course is designed for graduate students in any discipline who intend to pursue careers as college faculty. Faculty should be cognizant of the legal issues that can arise both in the classroom and during interactions with students outside of the classroom. Legal principles will be presented in the context of typical situations confronted by faculty. Course activities will include discussion of statutory and case law, lectures, examination of sample college policies and procedures, and analysis of hypothetical problems. Course content will address confidentiality of student records, academic honesty, students with learning and psychological disabilities, use of copyrighted materials in teaching, sexual harassment, academic freedom and grading.

Nothing in this course is offered as or should be construed as specific legal advice. Any student in the course who is involved in an actual or potential legal dispute should seek the assistance of counsel.

COURSE OBJECTIVES

At the successful completion of this course students will be able to:

1. Recognize the types of legal issues that can arise in the classroom and during interactions with students outside of the classroom;
2. Locate and interpret college policies and procedures relevant to legal issues that can arise in the classroom and during interactions with students outside of the classroom;
3. Apply college policies and procedures and relevant law in their teaching practice;
4. Understand when to refer a potential legal problem to their dean or to some other appropriate entity within the college or university; and
5. Articulate the legal implications of faculty actions both for faculty themselves and for the institutions that employ them.

COURSE MEETINGS

The course will consist of weekly classroom meetings that take place on five Wednesdays from 4:00 to 7:00 p.m.: May 6, 13, 20 and 27, and June 3 or 10. The fifth and final course meeting will take place either on June 3 or June 10, depending upon whether the professor attends a conference on June 3.

REQUIRED READING

Reading assignments are listed in the Course Schedule section of this syllabus. Most materials will be available on CICADA or via links to college web sites. Materials not available on-line will be provided to students in hard copy.

CICADA

The IDND30512 Legal Issues in College Teaching CICADA website is at: <http://cicada.clarku.edu/>. If you are registered for this course, you should have access to the site. Follow the directions on the login page.

RECOMMENDED READING

Poskanzer, Steven (2002). *Higher Education Law: The Faculty*. Baltimore, Maryland: The Johns Hopkins University Press.

GRADING PROCEDURES

Your performance in the course will be graded on the basis of three short papers, your participation in classroom discussion and a final paper. You are expected to submit each of the papers by the due dates noted in this syllabus. Grade allocation is as follows:

Short papers (15% each)	45%
Classroom participation	20%
Final paper	35%

Papers and participation will be graded with number grades. Your final course grade will be determined as follows: 90 - 100% = A; 87 - 89.9% = A-; 80 - 86.9% = B; 77 - 79.9% = B-; 70 - 76.9% = C; 67 - 69.9% = C-; 60 - 66.9% = D; any grade below 60% is an F.

ASSIGNMENTS

Short papers (due May 20, May 27 and June 3 or 10)

Each paper (2 - 3 pages in length) should explore how college policies and procedures and relevant law will influence your future teaching practice (pedagogy, course management and/or personal interactions with students). Address practices you intend to follow or to avoid as the result of what you have learned during the most recent class. Explain the legal implications of these practices. You may wish to draw upon past personal experience or observations of others' experiences for examples. You may decide to add the papers to your teaching portfolio, but this is not required.

Final paper (due 7 days after final course meeting)

Throughout the course you will analyze both actual case law and hypothetical problems in order to develop skills in issue recognition and application of college policies and procedures and relevant law. During the final course meeting you will be given a hypothetical problem that synthesizes most of the legal issues addressed by the course. The final paper (4 - 5 pages in length) should demonstrate your ability to recognize legal issues, apply college policies and procedures and relevant law, and describe appropriate faculty behavior.

ACADEMIC HONESTY POLICY

There are no tests in this course, only papers written outside of the classroom. The goal of the three short papers is to connect the course content to your future teaching practice. While you may discuss the short papers with whomever you wish during the thinking and planning stage, at the point at which you begin to write, your work is expected to be your own.

By contrast, the goal of the final paper is to demonstrate your ability to recognize legal issues, apply college or university policies and procedures and relevant law, and recommend a course of action. *It is expected that the final paper will reflect your individual work at all stages.*

It is not expected that the short papers or the final paper would make use of external sources. Whenever you do make use of external sources such as books, published papers, statutory or case law, web resources, etc., you are expected to cite sources of ideas and information that are not your own and to enclose in quotation marks and properly attribute any material that you take verbatim from other sources. Such quotations should generally be brief, a few sentences at most.

Also, see Clark University's "College Board Procedure for Dealing with Accusations of Violation of Academic Integrity" at <http://www.clarku.edu/offices/aac/integrity.cfm>

STUDENTS WITH DISABILITIES

If you believe that you may need accommodations in this course, and if you have not already done so, please contact Disability Services at Clark University (508-793-7468). Also, consult "Disability Services at Clark" at <http://www.clarku.edu/offices/aac/ada/>. If you would like to discuss how your accommodations will be implemented during this course or if you would like to share medical information unrelated to accommodations, please contact the professor via telephone or e-mail.

COURSE SCHEDULE

MAY 6

Topics: Introduction to course
Overview of categories of law applicable to higher education
Legal implications of faculty actions
Introduction to reading case law
Schaer v. Brandeis University, 432 Mass. 474 (2000).
(*This case will be distributed and read during class.*)
The importance of college policies and procedures

MAY 13

In preparation for class read:
Owasso Independent School District v. Falvo, 534 U.S. 426 (2002).

Morris v. Brandeis University, 60 Mass.App.Ct. 1119 (2004).

Clark University's "FERPA Policy"
at <http://www.clarku.edu/offices/registrar/ferpa/policy.cfm>

Clark University's "College Board Procedure for Dealing with Accusations of Violation of Academic Integrity"
at <http://www.clarku.edu/offices/aac/integrity.cfm>

Topics: Confidentiality of student records
Family Educational Rights and Privacy Act (FERPA)
Academic dishonesty

Assignment (due May 20): Short paper

MAY 20

In preparation for class read:
Pangburn v. Northern Kentucky University, 210 F.3d 372 (2000).

WPI's "Process for Accessing Accommodations at WPI" at
<http://www.wpi.edu/Admin/Disabilities/process.html>

WPI's "Student Disability Services: Suggestions for Faculty"
(Use link above and select "Suggestions for Faculty" from list.)

"Educational Uses of NonCoursepack Materials" at
<http://fairuse.stanford.edu>
(Use "custom search" to type in name of document.)

"TEACH Act Best Practices using Blackboard" at
<http://www.ala.org>
(Select "About ALA" and then search TEACH Act Blackboard.)

Topics: Students with learning and psychological disabilities
Americans with Disabilities Act (ADA) and other applicable statutes
Use of copyrighted materials in teaching

Assignment (due May 27): Short paper

MAY 27

In preparation for class read:

Kadiki v. Virginia Commonwealth University, 892 F. Supp. 746 (1995).

Cohen v. San Bernardino Valley College, 92 F.3d 968 (1996).

WPI's "Judicial Policies VIII. WPI Anti-Harassment Policy" at
<http://www.wpi.edu/Pubs/Policies/Judicial/sect8.html>

Topics: Massachusetts General Laws Chapter 151B

Sexual harassment policies

Intentional behavior

Consensual relationships

Academic freedom

Assignment (due on date of final course meeting, either June 3 or 10): Short paper

JUNE 3 or 10

In preparation for class read:

Edwards v. California University of Pennsylvania, 156 F.3d 488 (1998).

Sullivan v. Boston Architectural Center, 57 Mass.App.Ct. 771 (2003).

WPI's "Grade Appeal and Grade Change Policy" at
<http://www.wpi.edu/Pubs/Catalogs/Ugrad/Current/gradeappeal.html>

Topics: Academic freedom continued

Grading

The final hour will be reserved for summation, final questions and informal student feedback on course.

Assignment (due 7 days after final course meeting): Final paper