ELPS 453: Legal Aspects of Higher Education - Spring 2016

LOYOLA UNIVERSITY CHICAGO
SCHOOL OF EDUCATION

Thursdays, 7 PM – 9:30 PM
Corboy Law Center, Room 302
Water Tower Campus

This document is not intended to be a contract between the instructor and the students. It 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 by the instructor.
BASIC COURSE INFORMATION

INSTRUCTOR

Tim Love, J.D., M.S.
Associate Dean of Students

Damen Student Center (Lake Shore Campus), Room 361
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(773) 508-3733 (office, direct line)
tlove@luc.edu

Office hours: available by personal or telephone appointment

COURSE RELEVANCE

Each college and university in the United States undeniably intersects with the American legal system in multiple ways. No person directly connected with higher education, whether student, staff, faculty, parent, vendor, or visitor, is outside the influence of the law. It is essential, therefore, that competent student affairs practitioners have a basic understanding of legal concepts that directly apply to their work.

But hey, don’t take my word for it. The following is from Professional Competency Areas for Student Affairs Practitioners (2010), endorsed by both NASPA and ACPA:

Law, Policy, and Governance

The Law, Policy, and Governance competency area includes the knowledge, skills, and attitudes relating to policy development processes used in various contexts, the application of legal constructs (emphasis added), and the understanding of governance structures and their effect on one’s professional practice.

One should be able to:
1. Explain differences between public and private higher education with respect to the legal system and what they may mean for students, faculty, and staff at both types of institutions;
2. Describe evolving legal theories that define the student-institution relationship and how they affect professional practice;
3. Describe how national and state constitutions and laws influence the rights that students, faculty, and staff have on public and private campuses;
4. Explain the concepts of risk management and liability reduction strategies;
5. Explain when to consult with one’s immediate supervisor and campus legal counsel about matters that may have legal ramifications;
6. Act in accordance with federal and state laws and institutional policies regarding nondiscrimination;
7. Explain the legal theories connected with torts and negligence and how they affect professional practice; and
8. Explain the legal theories connected with contract law and how they affect professional practice.

However, educators, administrators, and policy-makers need not all learn to be lawyers. Rather, each has a different role to play, from which it is more critical: to know about the law, rather than to know the law; to analyze problems from one’s own discipline’s perspective against the backdrop of law, rather than to analyze problems from a lawyer’s perspective; and to work with lawyers, rather than to perform the lawyers’ functions for them.

If this course “feels different” from other student development courses, it is because our work looks different through the lenses of liability, competing rights, and contractual obligations. However, if you keep an open mind, prepare...
diligently, and engage fully in class discussions, I promise you will complete this course more aware of the classical and contemporary legal issues that affect our work, and you will be better prepared to address these issues in your student affairs practice.

INSTRUCTOR OBJECTIVES

As your instructor and colleague, my objectives for this course are the following:

1. To familiarize students with fundamental and contemporary legal issues encountered by student affairs professionals, enabling students to analyze such issues enough to work effectively with legal counsel and others;  
2. To introduce practical ways of addressing legal problems encountered in student affairs;  
3. To introduce students to legal research and to enhance writing and oral presentation skills; and  
4. To enhance students’ ability to engage in a critical analysis of legal issues, especially through a social justice lens.

*For more on learning objectives and where this course fits within the School of Education’s Conceptual Framework, see, “Other Important Information,” towards the end of this syllabus.

REQUIRED TEXTS AND MATERIALS

The one and only required textbook for this course is


Readings from this text are referenced as “LHE” throughout this syllabus and online. Additional supplemental materials—usually court opinions—will also be provided regularly and may at times require some research by students.

Additionally, all students must have access to LiveText to complete the benchmark assessments aligned to the Conceptual Framework Standards and all other accreditation, school-wide, and/or program-wide related assessments.

*For more on LiveText, including the rubric applicable to this course, see, “Other Important Information,” towards the end of this syllabus.

COMMUNICATION PREFERENCES (EMAIL/SAKAI)

Email using your Loyola email account will be the primary mode of out-of-class contact for this course. We will also use Sakai. As such, it is imperative that you check your “@luc.edu” email and Sakai messages frequently.

EVALUATING STUDENT PERFORMANCE IN THIS COURSE

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Points</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-Class Writing Assignment 1</td>
<td>10</td>
<td>February 18</td>
</tr>
<tr>
<td>In-Class Writing Assignment 2</td>
<td>20</td>
<td>March 17</td>
</tr>
<tr>
<td>Legal Summary and Recommendation Paper</td>
<td>40</td>
<td>(due April 21)</td>
</tr>
<tr>
<td>Case Brief and Discussion Facilitation</td>
<td>10</td>
<td>(due date varies)</td>
</tr>
<tr>
<td>Class Participation</td>
<td>20</td>
<td>(ongoing)</td>
</tr>
</tbody>
</table>

TOTAL AVAILABLE 100 points

In-Class Writing Assignments

Twice during the semester, in order to test comprehension and application of material covered in class, as well as to provide the opportunity to practice issue-spotting and legal writing, approximately half the class period will be dedicated to a writing exercise. You will be presented with one hypothetical scenario involving selected legal concepts that we have covered. Your role will be to respond as an administrator who has been asked to consider the situation and provide
a reasoned, legally sound recommendation for how to proceed. Success will be achieved by precisely identifying the key issue(s), accurately summarizing and citing relevant law, and providing a reasonable and legally sound recommendation for action. Additional guidance, including a sample exercise and response, will be provided in Sakai and discussed in class prior to the first exercise.

In-Class Writing Assignments will be graded using the following rubric:

<table>
<thead>
<tr>
<th>Evaluative Dimension</th>
<th>Maximum Points Available</th>
<th>Points Awarded</th>
</tr>
</thead>
</table>
| Identification of Issues | Accurate and precise identification of the key legal issues in the problem; clear statement identifying the legal issues | #1: Up to 3 pts (/10)  
#2: Up to 6 pts (/20) | |
| Summary of law | Accurate and comprehensive summary of relevant statutes, case law, and other sources of legal authority; evidence that the student understands relevant legal concepts | #1: Up to 3 pts (/10)  
#2: Up to 6 pts (/20) | |
| Recommendations | Informed recommendation demonstrating critical thinking; clear, logical, and sound rationale provided | #1: Up to 2 pts (/10)  
#2: Up to 4 pts (/20) | |
| Quality of Writing | Response is well organized and written; very few grammar errors; no spelling errors; no typos | #1: Up to 2 pts (/10)  
#2: Up to 4 pts (/20) | |

**Legal Summary and Recommendation Paper**

As a higher education/student affairs administrator, it will be important 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 10-12 page paper in proper APA format according to the following parameters:

- You are a member of a higher education institution’s task force charged with recommending a position and approach to a current legal issue facing your institution. [You choose the issue and have fun with contextualizing it within this assignment. For example, I might begin such a paper by saying, “The reality of recent Supreme Court decisions in Grutter v. Bollinger and Gratz v. Bollinger means that Loyola University Chicago again faces a critical juncture in its desire to diversify our student population. This paper will provide a summary of pertinent legal cases to improve understanding of the recommendations advanced in the final section. The legal summaries to follow will revisit DeFunis, Bakke, Grutter, and Gratz to show how we have been and can continue to be legally sensitive to the issue of diversifying our student population...”]
- The audience for this position paper is colleagues and members of upper administration who are somewhat familiar with the issue, but not with related case studies and who have not yet had the opportunity to think deeply about their own positions or possible approaches to addressing the issue.
- Write a legal summary and recommendation paper on a legal issue or institutional policy of your choosing.
- The introduction should engage the audience and provide them with the organization of the paper and its contents. The body of the paper should address the legal issue by providing summaries related case studies. The last section should advance recommendations based on your understanding of the legal issue.
Specifications:
- 10-12 pages (not including title page or reference list), double-spaced, one-inch margins, APA citation style, headings and subheadings similar to those in the LHE, reference list of all sources.
- On or before 7 PM on the due date (April 21), students are required to submit the paper in Microsoft Word format via Sakai.

I will be available to work with students throughout the semester to help direct research and provide guidance on the development of the paper. Grading will be based on the quality of the writing and the clarity and organization of the paper. The paper should logically and thoroughly explain the legal issues involved with the topic area and make recommendations for action, such as proposed administrative policies and practices, which would lead to effective legal compliance and ease practical difficulties associated with the issues identified.

Possible topics include, but are not limited to:

1. Student Diversity in Admissions and Financial Aid
2. The Student’s Right to Privacy
3. New Trends in Student Discipline and Due Process
4. Expression and Dissent by Students
5. Undocumented Citizens and Access to Higher Education
6. Emerging Law in Student Self-Harm and Mental Health Concerns
7. The Student and Sexual Harassment
8. Student Athlete Unionization
9. Student Organizations and Discrimination
10. Accountability for Professional Standards and Ethics
11. The Impact and Future of Title IX

Final papers are due on April 21 (at 7:00 PM, submitted electronically through Sakai). Papers turned in after this time are late, which will result in a reduced number of points awarded for the paper at the discretion of the instructor. The rubric that will be used to evaluate papers is as follows:

<table>
<thead>
<tr>
<th>Evaluative Dimension</th>
<th>Maximum Points Available</th>
<th>Points Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary of law</td>
<td>Careful, accurate, and thorough summary of relevant statutes, case law, and other sources of legal authority; evidence that the student is knowledgeable about the relevant law and implications for higher education</td>
<td>Up to 15 pts</td>
</tr>
</tbody>
</table>
### Case Brief and Discussion Facilitation

Case law briefs are tools for summarizing and synthesizing the essential information regarding a specific case. Through writing briefs, students will optimally learn to mine the text of a case for the essential points and issues including how the court’s decision impacts higher education.

Each student will succinctly present one case of interest to the class and assist in the facilitation of a discussion of the legal and factual issues at hand. The instructor will assign a case to a student at least one week before the student is to present the case to the class. The student should print enough copies to distribute to the class, and be prepared on the scheduled date to present and lead the discussion of that case as it relates to that class’s focus. Students will sign up by date of availability during the first class session.

The essential elements to include when preparing case briefs include:

- Appropriate and clear **heading** (so we all know what we’re looking at)
- **FACTS**: Who, What, When, Where... What is this case about?
- **PROCEDURAL POSTURE**: What is at stake for the court issuing the opinion?
- **ISSUES**: What is in dispute (usually 1-2)?
- **HOLDING**: The applied rule of law (“Under these facts, with this law, this result/judgment”)
- **RATIONALE**: The court’s explanation for the holding
- Your conclusion as to **relevance** (what take away(s) for us?)

Briefs are not to exceed 2 sides of 1 page in length (but feel free to squeeze in as much info as you can with an 11-point or higher font). Sample briefs will be available in Sakai. The rubric used to evaluate your briefs is as follows:

<table>
<thead>
<tr>
<th>Evaluative Dimension</th>
<th>Maximum Points Available</th>
<th>Points Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full name and citation of case</td>
<td>Required/0 pts</td>
<td>NA</td>
</tr>
<tr>
<td>Facts</td>
<td>Up to 1 pt</td>
<td></td>
</tr>
<tr>
<td>Procedural posture</td>
<td>Up to 1 pt</td>
<td></td>
</tr>
<tr>
<td>Issues</td>
<td>Up to 1 pt</td>
<td></td>
</tr>
<tr>
<td>Holding</td>
<td>Up to 2 pts</td>
<td></td>
</tr>
</tbody>
</table>
### Evaluative Dimension

<table>
<thead>
<tr>
<th>Rationale</th>
<th>Accurate and succinct restatement of the court’s rationale for arriving at its decision.</th>
<th>Up to 3 pts</th>
<th>Points Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implications for student affairs</td>
<td>Insightful and thoughtful reflection on the case’s implications for our practice.</td>
<td>Up to 2 pts</td>
<td>Points Awarded</td>
</tr>
</tbody>
</table>

### Participation

The portion of your grade relating to your performance in class will be based on the instructor’s subjective evaluation of the quality and depth of your comments both in class and on the website, and the extent to which you contribute relevant, perceptive insights and knowledge about the material covered.

You will likely enhance your participation grade by:

1. Coming to class **on time** and **prepared** (more on this below)
2. Being able to accurately respond to questions presented in class regarding the facts, rule, holding, and/or rationale of a legal case
3. Remaining open-minded and prepared to reflect on and analyze all sides of a question, recognizing that law is subject to different interpretations and not grounded on absolutes
4. Refraining from verbal games, distractions, or arguments about whether anyone is right or wrong
5. Contributing to professional, collegial atmosphere and showing respect for the views of others, even if you differ in your opinion
6. Recognizing that all participants have valuable experiences and perspectives to share, and ensuring that “airtime” is not dominated to the detriment of the discussion

Students are expected to be **on time and prepared** for class. This class will rely in part on the Socratic method, by which any student may be called upon to engage in discussion about the case at hand. This discussion is integral to the format of the course and requires diligent preparation by all students. Late arrivals, in addition to being discourteous, are disruptive and interrupt the flow of the dialogue. Unexcused absences may result in reduction of the number of points awarded for class participation, in addition to jeopardizing your performance on exams.

### Missed Assignments

In case you must miss a scheduled assignment, paper deadline, or brief/presentation, make-up assignments work will be permitted only at the discretion of the instructor based on the reasonable demonstration of a compelling reason, and points may be deducted for late work. Any make-up assignments that are permitted will only be administered after the assignment has been administered to the other students in the class. Make-up assignments may differ in content and format from the assignment given to the larger class. In-class assignments must be completed on a Loyola campus at a place and time authorized by the instructor.

### Course Grade Protocol

| 94-100 points ................. A | 80-83 points .................. B- | 67-69 points .................. D+ |
| 90-93 points ................. A- | 77-79 points .................. C+ | 64-66 points .................. D |
| 87-89 points ................. B+ | 74-76 points .................. C | 60-63 points .................. D- |
| 84-86 points ................. B | 70-73 points .................. C- | 59 or fewer points .......... F |
COURSE SCHEDULE AND TOPICAL OUTLINE

*Schedule, course content, and reading assignments are subject to change at instructor’s discretion*

Class 1 / January 21  INTRODUCTION TO THE COURSE AND TO THE AMERICAN LEGAL SYSTEM

(Complete before first class – communicated via email)

- Watch: https://www.youtube.com/watch?v=IGyx5UEwgtA
- Watch: https://www.youtube.com/watch?v=mXw-hEB263k
- LHE General Introduction, pp. 1-8
- LHE Perspectives and Foundations, pp. 11-32 (especially 1.2)

Class 2 / January 28  UNIVERSITIES AS LEGAL ENTITIES: STATE ACTION, AGENCY, LIABILITY, SECTION 1983

LHE Reading:

- Section 1.5-1.7: The Public-Private Dichotomy, Religion, and Law v. Policy, pp. 33-66 (expanded)
- Section 2.1-2.2: Legal Liability and Litigation, pp. 66-80
- Section 3.4: Institutional Liability for Violating Federal Constitutional Rights (Section 1983), pp. 129-135
- Section 4.4.1: Qualified Immunity to Section 1983, pp. 153-155

Supplemental Material:

- Section 1983 of the Civil Rights Act of 1871
- Chaudhuri v. Tennessee State (added; read if you have time)
- United States v. Virginia (BRIEF)
- Regents of Univ. of Michigan v. Ewing
- Doe v. Gonzaga (2001)

Brief/Facilitator: Caitlyn

Class 3 / February 4  CONSTITUTIONAL RIGHTS OF THE STUDENT (1): DISCIPLINE, DUE PROCESS

LHE Reading:

- Section 9.1: Disciplinary and Grievance Systems, pp. 569-580
- Section 9.2: Disciplinary Rules and Regulations, pp. 580-587
- Section 9.3: Procedures for Suspension, Dismissal, and Other Sanctions, pp. 587-602

Supplemental Materials:

- Due Process – An Introduction
- Tatro v. University of Minnesota (BRIEF)
- Dixon v. Alabama State Board of Education
- Hart v. Ferris State

Brief/Facilitator: ____________________

Class 4 / February 11  CONSTITUTIONAL RIGHTS OF THE STUDENT (2): PRIVACY, SEARCH/SEIZURE, DRUG TESTING, EDUCATIONAL RECORDS

LHE Reading:

- Section 7.4.1: Student Housing Overview, pp. 446-447
• Section 7.4.3: Searches and Seizures, pp. 455-461
• Section 10.4.8: Drug Testing, pp. 733-739
• Section 7.6.1: Security Officers, pp. 476-481
• Section 7.8.1: FERPA, pp. 495-500

Supplemental Materials:
• Comments on Search and Seizure
• Commonwealth v. Neilson (BRIEF)
• Gonzaga v. Doe (2002)
• Board of Ed v. Earls
• TBA

Brief/Facilitator: Ariel

Class 5 / February 18  REVIEW + IN-CLASS WRITING ASSIGNMENT

***In-Class Writing Assignment 1***

Class 6 / February 25  TORTS: DUTY OF PROTECTION, NEGLIGENCE, CIVIL LIABILITY

LHE Reading:
• Section 3.2: Institutional Tort Liability, pp. 97-125
• Section 7.6.2: Protecting Students against Violent Crime, pp. 481-486
• Section 7.6.3: Federal Statutes and Campus Security, pp. 486-490

Supplemental Materials:
• Torts Overview – Illinois
• Mullins v. Pine Manor (BRIEF)
• University of Denver v. Whitlock
• Tarasoff v. Regents of the University of California
• 2014 LUC Campus Safety Bulletin (peruse/skim only!)

Brief/Facilitator: Kevin

Class 7 / March 3  CONTRACTS (ADMISSIONS, ATHLETICS) AND FACULTY ISSUES (FREEDOM, TENURE, COLLECTIVE BARGAINING)

LHE Reading:
• Section 7.1.3: The Contractual Rights of Students, pp. 345-353
• Section 7.2.1-7.2.3: The Contract Theory in Admission, pp. 376-380
• Section 10.4.5: Athletic Scholarships, pp. 712-716
• Section 5.1-5.3: Faculty Issues, Contracts, pp. 213-230
• Section 6.1: Faculty Academic Freedom: General Concepts and Principles, pp. 275-296

Supplemental Materials:
• Contracts and the Authority to Act
• Olson v. Board of Higher Education
• Martin v. Parrish
• Parate v. Isibor (BRIEF)
• http://luc.edu/seiupetition (peruse)

Brief/Facilitator: Elaine

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**NO CLASS / March 10**  **SPRING BREAK and NASPA/TPE**

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**Class 8 / Mar 17**  **REVIEW + IN-CLASS WRITING ASSIGNMENT**

***In-Class Writing Assignment 2***

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**NO CLASS / March 24**  **HOLY THURSDAY (PART OF EASTER WEEKEND)**

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**Class 9 / March 31**  **CIVIL RIGHTS: FREEDOM OF SPEECH, ASSOCIATION**

LHE Reading:

• Section 9.4: Student Protests and Freedom of Speech, pp. 602-624
• Section 9.5: Speech Codes and the Problem of Hate Speech, pp. 624-636
• Section 10.3: The Student Press, pp. 685-704

Supplemental Materials:

• Free Speech and Private Universities
• Tinker v. Des Moines Independent Community School District
• Shamloo v. Mississippi State Board of Trustees (BRIEF)
• Justice for All v. Faulkner (BRIEF)
• Lewis v. St. Cloud University

Brief/Facilitator: Emely (Shamloo); ________________________________ (JFA)

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**Class 10 / April 7**  **CIVIL RIGHTS: RACIAL DISCRIMINATION**

LHE Reading:

• Section 7.2.4.1: Admissions, Nondiscrimination, pp. 380-384
• Section 7.2.5: Affirmative Action Programs, pp. 398-421
• Section 7.3.3-7.3.4: Financial Aid, Nondiscrimination through Affirmative Action, pp. 431-438

Supplemental Materials:

• Grutter v. Bollinger
• Fisher v. University of Texas
• Podberesky v. Kirwan (BRIEF)

Brief/Facilitator: Tina

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**Class 11 / April 14**  **CIVIL RIGHTS: DISABILITY DISCRIMINATION**
LHE Reading:
- Section 7.2.4.3: Admissions, Disability, pp. 389-395
- Section 8.4: Academic Accommodations for Students with Disabilities, pp. 519-533
- Section 10.4.7: Athletics, Discrimination on the Basis of Disability, pp. 731-733

Supplemental Materials:
- 504 and ADA Summary
- Southeastern Community College v. Davis
- US v. University of Alabama
- Mershon v. SLU (BRIEF)
- NACUA Notes: Direct Threat...Where We Stand Now

Brief/Facilitator: Dana

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Class 12 / April 21  CIVIL RIGHTS: SEX DISCRIMINATION (TITLE IX)

***Legal Summary and Recommendation Paper Due***

LHE Reading:
- Section 11.5.3: Title IX, pp. 805-808
- Section 10.4.6: Athletics and Sex Discrimination, pp. 716-731
- Section 7.2.4.2: Admissions and Sex, pp. 384-389
- Section 8.5: Sexual Harassment of Students by Faculty Members, pp. 533-553

Supplemental Materials:
- OCR’s Dear Colleague Letter, April 2011
- Hayut v. SUNY (BRIEF?)
- TBA (new materials will be added as they become available)

Brief/Facilitator: ________________________

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Class 13 / April 28  FINAL REVIEW AND CELEBRATION

- Final Discussion on Legal Aspects of Higher Education

“FINAL” / May 5  (Final day to submit late or resubmitted work, with penalty)
LEGAL RESEARCH RESOURCES

CONDUCTING LEGAL RESEARCH

Students may wish to access full-text federal and state court cases as part of their research for assignments. If you know either the name of the case (the parties involved) or the official citation for the case, a case can easily be accessed electronically through Loyola’s library. Students will be introduced to this process in class.

Instructions: Go to the LUC homepage (www.luc.edu) and click on the main link to University Libraries found under Resources.

- Next, in the Databases box, click on the letter ‘L’
- Then click on Lexis-Nexis Academic (you may be prompted to log in)
- At bottom of page, click on the tab labeled Look Up a Legal Case
- There, you can enter either the name of the case (e.g., “Healy v. James”) or the actual citation (e.g., “408 U.S. 169”) to get to the full text of many cases. Note that full texts are typically quite lengthy as they contain footnotes and other detailed information pertinent to the case.

An Alternative: A second, easier and often faster, approach to finding key cases is simply to Google the name of the case or its full citation. Often times, you will receive a direct link to the full text of the case! If this works, it may not give you access to all the related analysis and other information provided by Lexis-Nexis Academic.

READING LEGAL OPINIONS

Appendix C of your textbook contains excellent guidance on reading and analyzing court opinions. You may wish to review this guidance as you begin reading the cases assigned for the course. Some additional points:

1. Case titles appear as "A" v. "B" followed by a series of numbers showing the court, the date, and the volume reference.
2. Terms like "petitioner," "respondent," "appellant" and "appellee" can be extremely confusing. Try to focus on the identity of the party maintaining the action (the plaintiff) and the party against whom it is brought (the defendant).
3. As you read, try to do the following: (1) understand the facts; (2) identify the procedural posture; (3) identify the key issue(s); (4) determine the court’s holding; and (5) distinguish the key points in the rationale of the holding. You should then evaluate the arguments “for” and “against” the decision, including those of fairness and furtherance of public policy. Finally, assess the relevance of the case to your future work.
4. Watch out for “dicta,” or extraneous commentary of judges that is not relevant to the holding. Such commentary is advisory only and has no force of law.
5. Consider dissenting and concurring opinions critically. They, too, can be instructive, especially when courts are divided.

Appendix D in your textbook is a glossary of legal terms to which you may want to refer as you encounter legal terminology in the cases. If you cannot locate a term in this glossary, you may want to refer to “Black's Law Dictionary,” which is available in our library and in the instructor’s office on the Lake Shore Campus.

SELECTED WEB-BASED RESEARCH RESOURCES (Big thanks to Dr. Terry Williams!)

- National Association of College and University Attorneys (www.nacua.org)
- Association of Student Conduct Administration (www.theasca.org)
• 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.ncherm.org)
• 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)
• Illinois Board of Higher Education (http://www.ibhe.org)
• Illinois Community College Board (http://www.iccb.org)
• Illinois Compiled Statutes (ILCS) (http://www.ilga.gov)
• Equal Employment Opportunity Commission (EEOC) (http://www.eeoc.gov)
• UCLA Civil Rights Project (http://www.civilrightsproject.ucla.edu/)
• Center for Individual Rights (CIR) (http://www.cir-usa.org/)
• Alliance Defense Fund (ADF) (http://www.alliancedefensefund.org/)
• 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) (See section on ‘The Ticker.’ You can access subscriber information by accessing the journal online through Loyola libraries.)
OTHER IMPORTANT INFORMATION

COURSE LEARNING OUTCOMES

Upon completion of this course, students should be able...

1. To recognize a wide variety of legal issues before and at the time that they emerge at one’s IHE;
2. To identify utilize a variety of legal and other resources to effectively prepare for and address legal issues in higher education;
3. To develop skills in finding, reading, and understanding statutory and case law pertaining to higher education practices and policies;
4. To enhance one’s understanding of the ethical, moral, and social justice issues linked to legal issues and educational policy in higher education;
5. To acquire greater sensitivity and awareness of the potential legal ramifications of decision making and policy development in higher education; and
6. To gain an appreciation and understanding for the value and importance of remaining informed about emerging legal issues that face higher education.

SCHOOL OF EDUCATION IDEA OBJECTIVES FOR THIS COURSE

Objectives that are Essential for this Course:

1. Gaining factual knowledge (terminology, classifications, methods, trends);
2. Learning fundamental principles, generalizations, or theories; and
3. Learning to analyze and critically evaluate ideas, arguments, and points of view.

Objectives that are Important for this Course:

1. Learning to apply course material (to improve thinking, problem solving, and decisions); and
2. Developing skill in expressing oneself orally or in writing.

Minor objectives:

1. Acquiring skills in working with others as a member of a team;
2. Developing creative capacities (writing, inventing, designing, performing in art, music, drama, etc.);
3. Gaining a broader understanding and appreciation of intellectual/cultural activity (music, science, literature, etc.);
4. Learning how to find and use resources for answering questions or solving problems;
5. Developing a clearer understanding of, and commitment to, personal values;
6. Developing specific skills, competencies, and points of view needed by professionals in the field most closely related to this course;
7. Learning to analyze and critically evaluate ideas, arguments, and points of view; and
8. Acquiring an interest in learning more by asking questions and seeking answers.

At the end of the course, all students must login and complete the IDEA evaluation at the IDEA Campus Labs website: http://luc.edu/idea/ (select “Student IDEA Log In”). I take all feedback very seriously and will strive to incorporate your insight into future courses; so thanks in advance for your thoughtful responses.

SCHOOL OF EDUCATION CONCEPTUAL FRAMEWORK
The conceptual framework (CF) for Loyola’s School of Education that grounds our curriculum and learning outcomes is: “Our mission is social justice, but our responsibility is social action through education.” This framework is consistent with the design and content of this course on at least two distinct levels.

First, through this course, students will obtain insight as to how our country has arrived at this historical moment through the lenses of government, legislation, and law. We will review landmark legal challenges that resulted in concepts that we now take for granted, such as expectations of fundamental fairness, justice, civility, and dignity for students, faculty, and staff. Such knowledge is essential for anyone engaged in contemporary justice work in education.

Second, we will review, discuss, and debate contemporary legal issues that are directly relevant to our students today. From sexual assaults on campus to the dangers of being an undocumented student, these and other legal issues—and the students who embody them—are indeed the responsibility of all educators to explore. We will spend ample time throughout this course mapping out the evolving landscape of law, so that at the end of this course, you will be better prepared to navigate it with and for your students.

DIVERSITY

In alignment with the SOE conceptual framework focusing on advancing social justice in society, this course addresses important social justice issues especially around access issues to higher education. To illustrate, the intersection of law with educational policy is addressed around issues related to nondiscrimination in admission including the continuing debate in society around affirmative action programs in higher education both in admission and in employment. Additionally, because American higher education is diverse in so many different ways, how the law may impact educational policy at these diverse institutions is addressed. Other examples of diversity impacted by the law include policies that address sex, sexual orientation, disability, race, ethnicity, color, religion, and ability. We will cover all these.

PROFESSIONAL DISPOSITIONS

The SOE also requires all programs to assess students on attitudes and dispositions that connect with specific behaviors expected of professional educators regardless of their field of study. Each graduate program has a comprehensive rubric used by faculty in each graduate course to assess students on those dispositions. During each academic year, all students are evaluated by faculty based on collective assessments in the students’ courses. The assessment rubric for this course is included below, and students are expected to become familiar with and to strive to adhere to each set of expectations. The course rubrics are completed by faculty in LiveText at end of the semester, and these rubrics will be available to students. Depending on the results of the annual review, students may be asked to meet with program faculty to discuss specific aspects of the assessment.

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<tr>
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<th>Target</th>
<th>Acceptable</th>
<th>Unacceptable</th>
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<tbody>
<tr>
<td>Student meets all deadlines IL-LUC-DISP.1</td>
<td>Student demonstrates exceptional ability to work well with others, lead educational initiatives, and show leadership qualities in professional settings</td>
<td>Student demonstrates an ability to work well with others in a professional setting through exhibiting behaviors such as punctuality, meeting deadlines, and being open and responsive to feedback</td>
<td>Student fails to demonstrate professional behavior in the academic or work setting</td>
</tr>
<tr>
<td>Student attends class and is punctual for all professional obligations IL-LUC-DISP.1</td>
<td>Student demonstrates exceptional ability to work well with others, lead educational initiatives, and show leadership qualities in professional settings</td>
<td>Student demonstrates an ability to work well with others in a professional setting through exhibiting behaviors such as punctuality, meeting deadlines, and being open and responsive to feedback</td>
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<tr>
<td>Student communicates promptly with faculty, supervisors, employers, and peers (no longer than 2 business days) IL-LUC-DISP.1</td>
<td>Student demonstrates exceptional ability to work well with others, lead educational initiatives, and show leadership qualities in professional settings</td>
<td>Student fails to demonstrate professional behavior in the academic or work setting</td>
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<tr>
<td>Student is able to express himself or herself appropriately (verbally and in writing) with faculty, supervisors, employers, and peers IL-LUC-DISP.1</td>
<td>Student demonstrates exceptional ability to work well with others, lead educational initiatives, and show leadership qualities in professional settings</td>
<td>Student fails to demonstrate professional behavior in the academic or work setting</td>
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<tr>
<td>Student is able to work effectively with peers on assignments IL-LUC-DISP.1</td>
<td>Student demonstrates exceptional ability to work well with others, lead educational initiatives, and show leadership qualities in professional settings</td>
<td>Student fails to demonstrate professional behavior in the academic or work setting</td>
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<tr>
<td>Student demonstrates ethical behavior in all professional and graduate student work IL-LUC-DISP.1</td>
<td>Student demonstrates exceptional ability to work well with others, lead educational initiatives, and show leadership qualities in professional settings</td>
<td>Student fails to demonstrate professional behavior in the academic or work setting</td>
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<tr>
<td>Student dresses in an appropriate manner IL-LUC-DISP.1</td>
<td>Student demonstrates exceptional ability to work well with others, lead educational initiatives, and show leadership qualities in professional settings</td>
<td>Student fails to demonstrate professional behavior in the academic or work setting</td>
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<tr>
<td>Student adequately addresses feedback provided on coursework (e.g., grammar, APA style, content) IL-LUC-DISP.1</td>
<td>Student demonstrates exceptional ability to work well with others, lead educational initiatives, and show leadership qualities in professional settings</td>
<td>Student fails to demonstrate professional behavior in the academic or work setting</td>
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<tr>
<td>Student accurately cites material in academic work ascribing appropriate credit for information conveyed IL-LUC-DISP.1</td>
<td>Student demonstrates exceptional ability to work well with others, lead educational initiatives, and show leadership qualities in professional settings</td>
<td>Student fails to demonstrate professional behavior in the academic or work setting</td>
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<tr>
<td>Student is considerate (verbally and nonverbally) of appropriately expressed feelings and opinions of others IL-LUC-DISP.2</td>
<td>Student demonstrates exceptional ability to understand the situations of others and responds in an appropriate, proactive manner</td>
<td>Student fails to consider the situation of others in making professional decisions and acts inequitably</td>
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<tr>
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<td><strong>Student exhibits active listening skills IL-LUC-DISP.2</strong></td>
<td>Student demonstrates exceptional ability to understand the situations of others and responds in an appropriate, proactive manner</td>
<td>Student demonstrates ability to understand the situations of others and responds in an appropriate, proactive manner</td>
<td>Student fails to consider the situation of others in making professional decisions and acts inequitably</td>
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<tr>
<td><strong>Student is able to accept supervision IL-LUC-DISP.2</strong></td>
<td>Student demonstrates exceptional ability to understand the situations of others and responds in an appropriate, proactive manner</td>
<td>Student demonstrates ability to understand the situations of others and responds in an appropriate, proactive manner</td>
<td>Student fails to consider the situation of others in making professional decisions and acts inequitably</td>
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<tr>
<td><strong>Student is sensitive to cultural differences IL-LUC-DISP.3</strong></td>
<td>Student exhibits exemplary understanding and practice reflecting the belief that all students, regardless of contextual influences, are capable of learning</td>
<td>Student believes and demonstrates in practice that all students, regardless of contextual influences, are capable of learning</td>
<td>Student fails to understand and/or demonstrate in practice that all students, regardless of contextual influences, are capable of learning</td>
</tr>
<tr>
<td><strong>Student respects the diversity of learning styles IL-LUC-DISP.3</strong></td>
<td>Student exhibits exemplary understanding and practice reflecting the belief that all students, regardless of contextual influences, are capable of learning</td>
<td>Student believes and demonstrates in practice that all students, regardless of contextual influences, are capable of learning</td>
<td>Student fails to understand and/or demonstrate in practice that all students, regardless of contextual influences, are capable of learning</td>
</tr>
<tr>
<td><strong>Student uses the framework of social justice in decision making IL-LUC-DISP.3</strong></td>
<td>Student exhibits exemplary understanding and practice reflecting the belief that all students, regardless of contextual influences, are capable of learning</td>
<td>Student believes and demonstrates in practice that all students, regardless of contextual influences, are capable of learning</td>
<td>Student fails to understand and/or demonstrate in practice that all students, regardless of contextual influences, are capable of learning</td>
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**OTHER SYLLABUS STATEMENTS**

The School of Education has several other policies and guidelines that may prove useful for students. These include statements on academic integrity, accessibility, how to report unethical conduct, and electronic communications standards. All these and more can be found at the following website: [www.luc.edu/education/syllabus-addendum/](http://www.luc.edu/education/syllabus-addendum/)