COURSE PURPOSE AND OBJECTIVES
You may have asked yourself at some point—even if only when perusing the course catalog—how is law related to public management and public policy? Seeing the word “law” in a course title may have even caused some consternation, intimidation or just boredom. The purpose of this course is to examine how law and public management/policy are meaningfully (and intentionally) connected. We’ll explore the extent to which Woodrow Wilson was correct when he defined the very field of public administration as the “detailed and systematic execution of public law” (1887). Our specific objectives are as follows:
• understand how law has shaped/is shaping key management and policy questions in the public sphere
• appreciate the extent to which the Constitution can be a blueprint for effective managerial behavior and sound public policy
• learn how to identify legal aspects of public administration/policy issues
• understand your Constitutional and statutory rights and responsibilities
• learn how to “read” the law and understand when professional legal advice may be needed
• discuss the relationship between law and ethics
• while our focus is domestic, we’ll also explore the relationship between various legal systems both within and beyond US borders
• ultimately, become better public administrators because of the role law—if understood—plays in public service

MATERIALS
• Constitution (in appendix of Lee’s book; printed pocket, ebook, apps), Statutory, Regulatory, and Case law (online; e.g., www.oyez.org)
• For those needing a little extra background or refresher on basic US Government/Legal structure: “About America: How the United States is Governed” http://iipdigital.usembassy.gov/media/pdf/books/governed.pdf
ORGANIZATION

To accomplish our objectives, the course is arranged around the following sections of inquiry and knowledge. These correspond to the following learning modules in Oncourse which contain the readings.

§1 Setting The Constitutional-Legal Stage: The Context for Reasonable Administrative Action  
§2 Constitutional & Ethical Foundations Of Administrative Action  
§3 Constitutional Rights And Responsibilities  
§4 Statutory Civil Rights And Responsibilities  
§5 Looking Ahead: Applying Reasonability To “Legal” Administrative Practice

IMPORTANT NOTE FOR ONLINE TIMING/SEQUENCING, I.E., CLASS FLOW

Tuesdays are typically the ‘start’ of each week because many SPEA Connect students work full time. I will have a week’s lecture (slides and narration) up no later than Tues of that week, for instance, Class 1, by May 10, 11:59pm.

- When there is a conflict between details in narrated v. printed slide, follow printed slide or course announcement.

Sundays at 11:59 pm (IU time, eastern) will typically be when your personal assignments are due. That gives our students working full time the weekend to process/post their work. E.g., Class 1 by May 15, 11:59 pm.

Mondays are for posting comments, discussion, etc. to the previous week’s posts that should all be in the night before. E.g., Class 1, by May 16, 11:59 pm.

For each week, you are expected to read the week’s readings before you listen/read the powerpoints. The powerpoints will serve as a brief guide to the issues raised in the reading but will not be a substitute for the reading. Advance preparation will give you a chance to view the article summaries posted by classmates, listen to the lecture, and form your own opinions and insights before the next lecture is posted. Adobe Acrobat (v. Mac’s preview or other pdf reader) is needed to listen to the slides.

I should also mention that I’ve designed the class so that the reading/posting load is heavier in the first half of the class than the last half. In part this accommodates more time in the latter half to work on the final memo.

COURSE DELIVERABLES

<table>
<thead>
<tr>
<th>Class Discussion Posts/Participation (responses)</th>
<th>%</th>
<th>Due Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 60 sec. youtube intro</td>
<td>30</td>
<td>Weekly</td>
</tr>
<tr>
<td>Quizzes / Issue Debates / Midterm</td>
<td>15</td>
<td>Periodically and midterm</td>
</tr>
<tr>
<td>Law Blog</td>
<td>15</td>
<td>at least 2 posts before; 2 after midterm</td>
</tr>
<tr>
<td>Reading Summaries (article, case briefs)</td>
<td>15</td>
<td>as assigned</td>
</tr>
<tr>
<td>Team Final Memo</td>
<td>25</td>
<td>Jul 17 (powerpoint); Jul 31 (final memo)</td>
</tr>
</tbody>
</table>

- Powerpoint
- Note assessing team

A =94-100; A-=90-93; B+=87-89; B =84-86; B- = 80-83; C+=77-79; C =74-76; D=65-69; F=64 and below

Details on each of these deliverables can be found below:
Class Discussion Posts / Participation

As is true outside the classroom, your thorough preparation and articulate, respectful insights benefit others as much as yourself. Engaged participation is critical for a positive online course experience. In general, participation is a function of

- Quality and quantity of your own contributions, i.e., post, which is a function of inquiry, synthesis, illustration, discussion, critique and thoroughness
- Quality and quantity of responses to others’ posts—echoing a point is fine but inadequate; seek to integrate and/or synthesize with other posts and course concepts.
- Respect for contributions of others
- The grading rubric for participation/posts reflects the preceding three points (75%) plus the extent to which you read others’ posts (25%).

Issue Debate Briefs/Quizzes

Quizzes may include short answer, multi-choice responses and may be announced (like the midterm) or unannounced from week to week. I will use these to gauge how deeply we’re tracking the material. They are designed to be open book, and notes, BUT they are timed so study before you start your quiz. Debate briefs may also be used to gauge synthesis of course concepts. Typically you will be presented with a reading, or two sides of an issue and asked to defend in a short ½ to one page response, a particular approach from a legal-administrative standpoint.

Law Blog (Discussion Posts)

Because one of our objectives is learning to identify legal aspects of public affairs, this blog will be a place to catalog current issues in the news/pop culture that pertain to law and public affairs. Find law and PA “news” links in reputable sources (NY Times, American Bar Association, etc.) and include the link/cite on the blog. Write a 2-3 sentence summary of what aspect of law and public affairs the link/clip/story illustrates and why it caught your attention. Record evidence of the theories/concepts from class that pertain to the link. Finally, identify what lessons we might learn for how we manage public service organizations.

Reading Summaries: Translating State of the Art to a State of Practice.

Some weeks you’ll be assigned one reading or law case for which you’ll be a ‘point’ person. For that reading/case you’re to post a brief (less than 1 page) article entry to the reader’s blog that includes:

1-3 sentence description. Summarize only the most significant points in the reading that you are reviewing. Students sometimes spend too much time summarizing the work. You should assume that your colleagues have done the reading and your summary should serve as a quick reference for your more detailed critique and discussion of implications.

So what? Communicating your role as a “master” of public administration. How does the article inform practice? For example: What does the article say about accountability and performance from a legal, policy/political, and managerial/economic perspective? Implications of law: What does this article say about precedent, current practice, or developments in law in this area? Implications for policy and politics: How is your article relevant to questions about policy processes or policy substance? The political process? Does it have important lessons for policy-makers? Implications of management: What lessons does this work hold for practitioners? Do current management practices need to be changed? What specific contributions does it make to our knowledge about the practice of management?

Questions (1-2 good ones) What do you want your classmates’ / instructor’s input on? How could the author(s) have improved their contribution?
Final memo, presentation, assessment of team.

In teams that are randomly assigned, choose a contemporary law and PA issue (preferably state or local to help narrow focus) that is controversial but that is yet unresolved. Following the guidance given in class (see also skills folder) collectively write a memo (include exec summary) leading to a recommendation. 5-6 pages, single-spaced. Must incorporate class readings and concepts, and may include appendices, data, etc. As you draft your memo develop a 5-6 slide powerpoint that summarizes the different sections of the memo. I will use the powerpoints to give you feedback as you finalize the memo, which will be submitted as the final exam. After you submit the memo, you will also submit a short note (1/2 page) evaluating your group: what worked, what didn’t, why, and what you did to overcome obstacles. In posting group work please include group number in the file name.

SOME SOURCES FOR LAW BLOG AND MEMO IDEAS

- News (e.g., search google news for “local law”, etc.); NPR, Fox, CNN, etc.
- [http://web.pdx.edu/~pcooper/publiclaw2-css.html](http://web.pdx.edu/~pcooper/publiclaw2-css.html)
- [http://law.qa.gov/02/sgo/home/0,2705,87670814,00.html](http://law.qa.gov/02/sgo/home/0,2705,87670814,00.html)
- [http://www.abovethelaw.com/](http://www.abovethelaw.com/)

Class 01 10-May

- **Youtube.** This first participation grade will require you to post a 60 second (no more) Youtube link introducing yourself. This can be an unlisted video. State your name, preferred name, interest in the course, ideal occupation, what you’re most passionate about in life, and something unique to help us remember you.

§1 SETTING THE CONSTITUTIONAL-LEGAL STAGE

**Law, Public Administration and Public Policy**


**Skills: Law as policy writing and administrative practice**

- Law cases as policy and management documents
  - Kerr, How To Read A Legal Opinion A Guide For New Law Students
  - What’s in a case brief
• Memo template (for legal, political, and economic issues)
• Finding articles and cases
• Why are legal opinions so long, and why do I have to read so much?

### Class 02 17-May

**Legal Actors Relevant to Public Administrators**

- **Legislative**
  1. **Congress**
  2. **State Legislatures**
     - Dillon’s Rule: Legal Framework for Decision Making
  3. **Local legislative bodies**

- **Judicial**
  1. **Federal courts**
  2. **State courts**
  3. **Local Courts**

- **Lawyers, Public and Media**

- **Setting the stage: Focusing Public Administrators as Legal Actors**

- **Administrative (Public Administrators)**

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Christensen V540 Summer 2016

1. City Attorney

2. The Public

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### Class 03  24-May

**Law as Conflict And Coordination Among Actors**

- Federalism (national, state, local) - vertical contest covered in another class
- State and local legislative
  - Dillon’s rule
    - Frug, 145, Olsen
  - Home Rule
    - Frug, 170 Barron
    - Frug, 176 McCrory
- State judicial and local legislative conflict

**PROCESS**

- Schneider & Ingram (1988), *continuing to revisit*

**ANALYSIS**

- Ostrom and Ostrom . Legal and political conditions of water resource development; - Land economics, 1972. Read pages 1-5, the rest for your enjoyment and illustration.

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### Class 04  31-May
§2 CONSTITUTIONAL & ETHICAL FOUNDATIONS OF ADMINISTRATIVE ACTION

Public Administrators as Legally “Reasonable” Actors

- Lee & Rosenbloom 1. The Constitution and a Reasonable Public Servant
  - HUD v. Rucker (2001)
  - 2002 Secretary Liu Memo

Class 05 7-June

Public Administrators: Reasonable in a Personal Capacity
Ethics and Public Affairs

- Lee & Rosenbloom 2. Personal Responsibility
- Law and Ethics
  - Friedrich v. Finer: Two takes on “enforcing” accountable behavior
  - ASPA Code of Ethics

Class 06 14-June

Public Administrators: Reasonable in an Official Capacity


Midterm Quiz: Classes 01-06

Class 07 21-June

§3 CONSTITUTIONAL RIGHTS AND RESPONSIBILITIES

Due Process: Substantive and Procedural

  - Koontz v. St Johns River Water Mgt District

Class 08 28-June

Speech and Privacy

- Lee & Rosenbloom 5. Freedom of Critical Speech
  - Doninger v. Niehoff (2nd circuit 2008)
  - Virginia v. Black (US Sup Ct 2002)
- Lee & Rosenbloom 6. Right of Privacy

Christensen V540 Summer 2016
In re Application of the U.S. for Historical Cell Site Data” (5th 2013)

Class 09  5-July

- Lee & Rosenbloom 7. Equal Protection and Affirmative Action
  - Adarand v. Pena (US Sup Ct 1995)

Class 10  12-July

§4 STATUTORY CIVIL RIGHTS AND RESPONSIBILITIES

- Lee & Rosenbloom 8. Discrimination and Employment
  - Vance v. Ball State (US Sup Ct 2013)

Class 11  19-July

- Lee & Rosenbloom 9. Sexual Harassment and Employer Liability
  - Jean Baptiste (2012) news article and case

- Lee & Rosenbloom 10. Americans with Disabilities

Class 12  26-July

§5 LOOKING AHEAD: APPLYING REASONABILITY TO “LEGAL” ADMINISTRATIVE PRACTICE

- Lee & Rosenbloom 11. The World of a Reasonable Public Servant
  - Gonzalez v. Raich (2005) excerpts
  - 2009, 2011 Memos
  - O’Toole & Hanf (2002). American Public Administration and Impacts of International Governance

FINAL MEMO DUE  31-July
SYLLABUS ADDENDUM

Academic Misconduct

Students are responsible for upholding and maintaining academic and professional honesty and integrity (IUPUI Code of Student Rights, Responsibilities, and Conduct, available at http://www.iupui.edu/code/, Part II Student Responsibilities, G). All faculty have the responsibility of fostering the "intellectual honesty as well as the intellectual development of students" and part of this responsibility means that faculty must investigate cases of potential academic misconduct promptly and thoroughly. Faculty members also have the responsibility of taking appropriate action when academic misconduct occurs. The penalties for academic misconduct include but are not limited to lowering a grade on an assignment, lowering a course grade, or failing a student for a course. Significant violations of the Code can result in expulsion from the University.

SPEA faculty take their responsibilities seriously and do not tolerate cheating, plagiarism, or any other form of academic misconduct. If you have not done so, you should read about your responsibilities in the IUPUI Code of Student Rights, Responsibilities, and Conduct to ensure that you understand what these terms mean and what penalties can be issued for academic misconduct.

Plagiarism is the most common academic misconduct violation, and some students, who have been disciplined for plagiarism, have said they were not aware that they had plagiarized their work. Be aware that ‘not knowing’ does not excuse academic misconduct – every student is responsible for knowing the rules. The IU School of Education’s ‘How to Recognize Plagiarism’ is an on-line tutorial that can help you avoid plagiarism? It can be accessed at http://www.indiana.edu/~istd/. If you have any questions about what constitutes academic misconduct for a course you are taking, be sure to ask the instructor for an explanation.

The IUPUI Code of Student Rights, Responsibilities, and Conduct defines four areas of academic misconduct: cheating, fabrication, plagiarism, and interference. The prohibited activities and actions include the following:

1. Cheating. A student must not use or attempt to use unauthorized assistance, materials, information, or study aids in any academic exercise, including, but not limited to, the following:
   a. A student must not use external assistance on any “in-class” or “take-home” examination, unless the instructor specifically has authorized external assistance. This prohibition includes, but is not limited to, the use of tutors, books, notes, and calculators.
   b. A student must not use another person as a substitute in the taking of an examination or quiz.
   c. A student must not steal examinations or other course materials.
   d. A student must not allow others to conduct research or to prepare work for him or her without advance authorization from the instructor to whom the work is being submitted. Under this prohibition, a student must not make any unauthorized use of materials obtained from commercial term paper companies or from files of papers prepared by other persons.
   e. A student must not collaborate with other persons on a particular project and submit a copy of a written report which is represented explicitly or implicitly as the student’s individual work.
   f. A student must not use any unauthorized assistance in a laboratory, at a computer terminal, or on field work.
   g. A student must not submit substantial portions of the same academic work for credit or honors more than once without permission of the instructor to whom the work is being submitted.
   h. A student must not alter a grade or score in any way.

2. Fabrication. A student must not falsify or invent any information or data in an academic exercise including, but not limited to, records or reports, laboratory results, and citations to the sources of information.

3. Plagiarism. A student must not adopt or reproduce ideas, words, or statements of another person without appropriate acknowledgment. A student must give credit to the originality of others and acknowledge an indebtedness whenever he or she does any of the following:
   a. Quotes another person’s actual words, either oral or written;
   b. Paraphrases another person’s words, either oral or written;
   c. Uses another person’s idea, opinion, or theory; or
4. Interference.
   a. A student must not steal, change, destroy, or impede another student’s work. Impeding another student’s work includes, but is not limited to, the theft, defacement, or mutilation of resources so as to deprive others of the information they contain.
   b. A student must not give or offer a bribe, promise favors, or make threats with the intention of affecting a grade or the evaluation of academic performance.

**Whistleblower Policy**

IU has an approved whistleblower policy which clarifies the protections available to individuals who in good faith report suspected wrongdoing. The policy:

- requires individuals to disclose violations of law or university policy
- informs individuals how allegations of wrongful conduct may be disclosed
- protects individuals from reprisal as a result of disclosing wrongful conduct
- provides individuals a complaint process to seek relief from retaliatory acts

The full policy can be reviewed at: [http://www.hra.iupui.edu/Policy_Manual/policy/5_10.html](http://www.hra.iupui.edu/Policy_Manual/policy/5_10.html).

**Classroom Etiquette and Disorderly Conduct**

SPEA, which is a professional school, expects students to conduct themselves in a courteous and civil manner in interactions with professors and fellow students. Examples of discourteous behavior during class include reading the newspaper, working crossword puzzles, listening to headphones, talking or laughing with other, arriving late, using computers to surf the web, allowing cell phones to ring or sending text messages, or other non-class activities. These behaviors are distracting to the instructor and to classmates, and SPEA faculty will address these problems as they arise either in class or on an individual basis.

Disorderly conduct that interferes with teaching, research, administration, or other university or university-authorized activity will not be tolerated and will be reported immediately to the Office of the Dean of Students for disposition, which may result in disciplinary action, including possible suspension and/or expulsion from the university. Students should read the *IUPUI Code of Student Rights, Responsibilities, and Conduct*, which can be accessed at [http://www.iupui.edu/~sldweb/dos/](http://www.iupui.edu/~sldweb/dos/) in order to understand your responsibilities as a student.

**Communication between Faculty and Students**

In order to verify the identity of all parties involved, effective September 1, 2004, all email communication from current SPEA students to SPEA staff must originate from an Indiana University email account. For email communication with SPEA faculty, current SPEA students should refer to course syllabi for instructors’ preferences (Oncourse, Webmail, etc.). This policy applies to current students only. Instructions for forwarding your IUPUI email to another account can be found at [http://uits.iu.edu/scripts/ose.cgi?berh.def.help](http://uits.iu.edu/scripts/ose.cgi?berh.def.help)

**Course Withdrawals**

Students who stop attending class without properly withdrawing from the class will receive a grade of F. It is important to withdraw from a course within specified timeframes (see chart below). Note that withdrawals after Week 12 of a regular session or Week 4 of a summer session are rarely granted. **Poor performance in a course is not grounds for a late withdrawal.**

Withdrawal forms will not be processed in the Office of the Registrar after the last day of classes. Any requests for a late withdrawal after the last day of classes must go through the grade appeal process, but each student should remember that in accordance with campus policy, SPEA does not permit a student to withdraw from a course if he/she has completed the course requirements. Grade replacement should be used in this case. See the Office of the Registrar’s website at [http://registrar.iupui.edu/withdraw.html](http://registrar.iupui.edu/withdraw.html) for more information. To withdraw, obtain a withdrawal slip (DROP/ADD Form) from the SPEA Student Services window. Instructions for completing it are given on the form.
Withdrawal Deadlines

| Course deleted from record, no grade assigned, 100% refund (Advisor signature IS NOT required) | Week 1 (last day) |
| Withdrawal with automatic grade of W (Advisor signature IS required) | Week 2 - Week 7 (regular session) Week 2 - Week 3 (summer session) |
| Withdrawal with grade of W or F (Advisor and instructor signatures ARE required) | Week 8 - Week 12 (regular session) Week 3 - Week 4 (summer session) |

Incompletes

A grade of incomplete (I) indicates that a ‘substantial portion’ of the work in a course has been satisfactorily but not entirely completed by the student as of the end of the semester. The incomplete can be given to a student facing a hardship such that such that it would be unjust to hold the student to the established time limits for completing the work. To be eligible for the incomplete in a SPEA course, the student’s work must be of passing quality, and the student must have completed 75% of the course requirements. **Poor performance in a course is not grounds for an incomplete.** SPEA follows the campus guidelines, which may be accessed at the Office of the Registrar’s website at [http://registrar.iupui.edu/incomp.html](http://registrar.iupui.edu/incomp.html), in awarding incompletes. Incompletes must be removed within a time period not to exceed one year after the semester in which the student was enrolled in the course. The incomplete will revert to an ‘F’ if the work is not completed within the allotted timeframe established by the instructor.

Grade Changes

Under certain circumstances, students can seek grade changes for previously taken courses if they believe that a grade has been calculated or assigned incorrectly. A student who is seeking a grade change must first contact the instructor and ask for the grade change. In the event the instructor does not change the grade, the student can file a Change of Grade Petition with the Registrar’s Office. In SPEA, a student has 90 days after the conclusion of a course to appeal a grade. In cases of extenuating circumstances, SPEA may consider petitions filed after this date. SPEA will review the request and make a final decision on a case-by-case basis. The Change of Grade petition form is located at the Office of the Registrar’s website at [http://registrar.iupui.edu/grdfrm.html](http://registrar.iupui.edu/grdfrm.html).

Final Exam Schedule

If a final exam is given, it must be held on the day and time set in the final exam schedule. If an instructor has changed the final exam date, the student should first consult with the instructor. Students who have more than three final exams in one day or insufficient time to get from one exam to another should consult with their instructors to resolve these conflicts. Exams may not be given in the week before the final exam week. If a student is not able to resolve a final exam problem with the instructor, the student may report the problem to the Director of Undergraduate or Graduate programs. See the Office of the Registrar’s website at [http://registrar.iupui.edu/accal.html](http://registrar.iupui.edu/accal.html) for the final exam week schedule.

Students Called to Active Duty

SPEA encourages any student who is in the Indiana Military Reserves and is called to active duty to finish his/her coursework if at all possible. Students who cannot complete their courses have the option of withdrawing with 100% fee refund, but this request must be made within one week of being called to active duty. Students who are called to active duty may qualify for an incomplete (provided that all the above criteria have been met). For further information, please see the Office of the Registrar’s website at [http://registrar.iupui.edu/activeduty.html](http://registrar.iupui.edu/activeduty.html).

Christensen V540 Summer 2016