Locator Information

<table>
<thead>
<tr>
<th>Semester</th>
<th>Spring, 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Course Number &amp; Title</td>
<td>EDLE 707 - Seminar in Legal Issues and Professional Ethics</td>
</tr>
<tr>
<td>Credit Hours</td>
<td>Three (3)</td>
</tr>
<tr>
<td>Classroom</td>
<td>Butler 359</td>
</tr>
<tr>
<td>Class Day &amp; Time</td>
<td>T 6:00 – 8:50PM</td>
</tr>
<tr>
<td>Office Hours</td>
<td>M, W, TR, F 3:00 PM- 5:00PM</td>
</tr>
<tr>
<td>Instructor</td>
<td>Benita Gwynn-Powell, Esq.</td>
</tr>
<tr>
<td>Office Location</td>
<td>Barber 211</td>
</tr>
<tr>
<td>Phone/Email</td>
<td>910 672 1145/bpowell3@uncfsu.edu</td>
</tr>
</tbody>
</table>

UNIVERSITY POLICIES

Students must adhere to the FSU Student Handbook, Code of Student Conduct, and any applicable policies listed at www.uncfsu.edu/policy.

FSU Policy on Electronic Mail

Fayetteville State University provides to each student, free of charge, an electronic mail account (username@broncos.uncfsu.edu) that is easily accessible via the Internet. The university has established FSU email as the primary mode of correspondence between university officials and enrolled students. Information from FSU or FSU students pertaining to academic records, grades, bills, financial aid, and other matters of a confidential nature must be submitted via FSU email. The student is responsible for ensuring the mailbox remains available to receive notifications. FSU is not responsible for issues related to notifications that are not deliverable due to full mailboxes. Inquiries or requests from personal email accounts are not assured a response. Rules and regulations governing the use of FSU email may be found at www.uncfsu.edu/policy.

Disabled Student Services

In accordance with Section 504 of the 1973 Rehabilitation Act and the Americans with Disabilities Act (ACA) of 1990, if you have a disability or think you have a disability to please contact the Center for Personal Development in the Spaulding Building, Room 155 (1st Floor); 910-672-1203.

Title IX – Sexual Misconduct

Fayetteville State University (University) is committed to fostering a safe campus environment where sexual misconduct — including sexual harassment, domestic and dating violence, sexual assault, and stalking - is unacceptable and is not tolerated. The University encourages students who may have
experienced sexual misconduct to speak with someone at the University so that the University can provide the support that is needed and respond appropriately. The Sexual Misconduct policy can be found at the following link: http://www.uncfsu.edu/Documents/Policy/students/SexualMisconduct.pdf

**Consulting with a Health Care Professional** - A student who wishes to confidentially speak about an incident of sexual misconduct should contact either of the following individuals who are required to maintain confidentiality:

- Ms. Pamela C. Fisher  
  Licensed Professional Counselor  
  Spaulding Building, Room 165  
  (910) 672-387  
  psmith@uncfsu.edu

- Ms. Linda Melvin  
  Director, Student Health Services  
  Spaulding Building, Room 121  
  (910) 672-1454  
  lmelvi10@uncfsu.edu

**Reporting an Incident of Sexual Misconduct** - The University encourages students to **report** incidents of sexual misconduct. A student who wishes to **report** sexual misconduct or has questions about University policies and procedures regarding sexual misconduct should contact the following individual:

- Ms. Victoria Ratliff  
  Deputy Title IX Coordinator for Students  
  Spaulding Building, Room 155  
  (910) 672-1222  
  vratliff@uncfsu.edu

Unlike the Licensed Professional Counselor or the Director of Student Health Services, the Deputy Title IX Coordinator is legally obligated to investigate reports of sexual misconduct, and therefore cannot guarantee confidentiality, but a request for confidentiality will be considered and respected to the extent possible.

Students are also encouraged to report incidents of sexual misconduct to the University’s Police and Public Safety Department at (910) 672-1911.

**COURSE DESCRIPTION**

The course is a doctoral-level course in school and university law. This course will focus on Legal Issues and Professional Ethics of particular concern to education policy-makers, central office school administrators, and higher education leaders. Federal and North Carolina law will be included with attention given primarily to practical concerns.

**TEXTBOOKS**


Jaqueline A. Stefkovich, *Best Interests of the Student: Applying Ethical Constructs to Legal Cases in Education* (2006)
SUPPLEMENTAL TEXTS


David Stader, *Law and Ethics in Educational Leadership* (7th ed. 2007)


SCHOOL OF EDUCATION’S CONCEPTUAL FRAMEWORK

The conceptual framework defines the unit’s vision which underscores the school’s purpose for preparing its candidates for teaching and leadership roles in a global society. The unit prepares candidates who support student learning, within the context of family and community participation, for a diverse, technological and global society. We achieve this vision through teaching, research, and service. Our conceptual framework serves as a lens through which we view our education professionals in the Educational Leadership Program. The themes of our conceptual framework include knowledgeable and reflective education professionals; working with families and communities; respect for diversity and individual worth; technological competence; educational applications; and caring dispositions and ethical responsibility.

COURSE GOALS, OBJECTIVES

Upon completion of the course, students will be able to:

1. Demonstrate an understanding of historical and contemporary legal issues in public and higher education;
2. Demonstrate an understanding of the impact of the law and courts have on education;
3. Demonstrate an understanding of policy implications of court rulings and the role of litigation in influencing policy for public and private education governance, instruction, student and personnel matters;
4. Demonstrate an ability to research and analyze legal issues and case law;
5. Demonstrate an understanding of and the ability to make sound legal and ethical educational decisions;
6. Demonstrate an understating of how the major systems of social stratification especially - race, class, gender, sexuality, religion, age, ability and geographical region intersect to empower, disempower and privilege different educational communities;
7. Clearly articulate ethical, legal, and just ways of addressing major challenges in their schools/universities; and
8. Demonstrate an awareness, disposition, and understanding of civic engagement for social justice influences the law.
DPI STANDARDS FOR EDUCATIONAL LEADERSHIP

<table>
<thead>
<tr>
<th>Standard</th>
<th>Assessment(s)</th>
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<tbody>
<tr>
<td>Standard 5.0: Candidate has the knowledge and ability to promote the success of all students by demonstrating a respect for the rights of others and by acting responsibly</td>
<td>Class discussions, research paper, case briefs, on-line assignments; article critiques;</td>
</tr>
<tr>
<td>Standard 6.0: Candidate has the knowledge and ability to promote the success of all students by articulating, analyzing and describing, and communicating the larger political, social, economic, legal, and cultural context and advocating for students.</td>
<td>Class discussions; on-line assignments; article critiques</td>
</tr>
</tbody>
</table>

**DIVERSITY**
Understanding the legal context in education is in itself a study in diversity. The course provides the foundation for educational leaders to appropriately and effectively analyze and evaluate legal situations in a manner that is fair, promotes social justice, and is empowering to all students, faculty, and staff.

**TECHNOLOGY**
The course is web enhanced to provide enriching opportunities for students to utilize technology in the research of legal and ethical matters for effective learning. Technology enhanced learning activities include, but are not limited to, research projects, online collaborations, discussion boards, blogs, and interactive learning.

**DISPOSITIONS**
The course addresses legal and ethical decision-making in education. Central to this discussion is the equal and ethical treatment of all. This course is conducted in a professional, collaborative, engaging, and empowering manner. The students and faculty respect the opinions and personal styles of others and treat others in the same manner that they wish to be treated. Students’ observable attitudes will reflect ethical leadership that promotes social justice, critical reflection, and empowerment.

**TEACHING STRATEGIES**
The seminar is conducted as a democratic, engaging, empowering, and learning-centered environment. Teaching strategies include class and small team activities, individual projects, deliberative dialogue, problem-posing & solving, critical reflection, library research, fieldwork, lecture, discussion, student-led presentations, case studies, Internet research, independent learning, and on-line activities, collaborations, and discussion boards.
I. Evaluation Criteria

A. The final grade for the course will be determined as follows:

- Legal Research Paper 20 points
- Lead Seminar Presentations 20 points
- Critical Theory & Ethics Project 20 points
  (Intersections of Race, Class, Gender, Sexual Orientation, Ability, Religion, Region, and Age)
- On-line Weekly Critiques 20 points
- Capstone Creative Social Justice Artifact 20 points

B. Grading Scale

<table>
<thead>
<tr>
<th>Grade</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>A</td>
<td>90-100</td>
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<tr>
<td>B</td>
<td>80-89</td>
</tr>
<tr>
<td>C</td>
<td>70-79</td>
</tr>
<tr>
<td>F</td>
<td>Below 69</td>
</tr>
</tbody>
</table>

C. Format for Papers

Out-of-class papers must be typed or word-processed, double-spaced, in Times New Roman regular 12 point font, in black ink, and on 1 inch margins white paper. Electronically submitted papers should follow the same basic format. Page numbers must be included. Consistent and most current Blue Book format is prescribed. Assignment lengths, due dates, and specific rubrics will be specified. A process writing approach is required for all major assignments.

II. Major Learning Outcomes and Assignments

1. Legal Research Paper (20 points) (Final Due by May 1st)

The student will prepare a research paper on an education law topic of current concern and interest to the student. The topic should pertain to a true factual situation that gives rise to legal or ethical issues. All topics must be pre-approved. The paper should follow the format outlined below. The paper should also include a narrative description of pertinent cases, including facts, rules of law and pertinent current policy issues as they pertain to the selected topic. Pertinent case should be shepardized to determine if the case has been overturned, reversed, or utilized in a number of other ways in subsequent court decisions.
1. a. Paper Grade Breakdown and Deadlines

- Introduction and Statement of Legal Issue (10%) (by February 10, 2015)
- Statement of Law and Any Relevant Policy (30%) (by March 6, 2015)
- Analysis Draft (20%) (by April 2nd)
- Analysis Final (20%) (by May 1st)
- Conclusions (10%) (by May 1st)
- Blue Book Documentation and Professional Editing (10%) (by May 1)
1. b. Paper Outline

MEMORANDUM

TO: Ms. Benita Gwynn-Powell
FROM: Student Name
SUBJECT: Subject Name

INTRODUCTION

[Provide a brief summary explaining why you chose this topic, what your research uncovered, and your conclusion about what to do next. This section should be no more than 1 paragraph in length.]

STATEMENT OF LEGAL AND ANY ETHICAL ISSUE(S)

[In no more than two concise but detailed sentences, state the issue as it is relevant to the state or federal law and any relevant policy.]

STATEMENT OF LAW AND ANY RELEVANT POLICY

[Using correct Blue Book formatting, describe the relevant laws and policy that apply to the issue(s). Research state and federal statutes, rules, and policy and any relevant institutional/school policy. This section should be concise yet fluent, easy to read, and detailed.]

STATEMENT OF FACTS

[State the relevant factual situation that gave rise to the issue(s).]

ANALYSIS

[Discuss how the law and any relevant policies apply to the factual situation. Using your critical thinking skills, also discuss how different stakeholders might interpret the law. Discuss the weaknesses of the arguments for and against the different interpretations. Describe any ambiguities in law and any policy that might alter interpretations.

This section should be concise yet fluent, easy to read, and detailed. This section must also contain correct citations in Blue Book format.]

CONCLUSION

[State your conclusion about how the law should be interpreted and why your conclusion is the best argument. Also, make specific and general recommendations about steps forward.]
2. **Lead Seminar Presentations (20 points) (Various – TBA) (TEAM)**

You will be required to work with a group of your peers to lead seminar discussions for designated sections from the core textbooks used in the class. Your seminar presentations should be written and presented in the following format:

b. Provide an accurate summary of the readings and their relationship to previous classes (33%) (Provide page numbers for peer reference. This is meant to guide the peers and instructor so they may follow your presentation smoothly.)

c. Critically discuss key issues or points that are significant/relevant to contemporary national, state, and local challenges (33%)

d. Critically discuss the legal, ethical, and social justice implications therein. With specific reference to how the issues impact your school/college populations. (34%)

3. **Critical Theory and Ethics Project (20 points) (May 1, 2015) (TEAM)**

The critical theory and ethics project requires you to: a. study and apply critical race and intersections theory in ethical ways as you collaboratively work on investigating and resolving an actual education problem / dilemma. Actual problems include those related to providing de facto equal quality education for all students regardless of race, class, gender, ethnicity, region, national origin, religion, sexual orientation, physical or/ and mental ability; those related to current and historical policies on educational attainment and school funding (see for example Race to the Top and No Child Left Behind); and others to be collaboratively negotiated. Your response should clearly articulate how the intersections of the socially constructed systems social stratification simultaneously interplay to influence the experiences of groups in key social situations, with a special focus on public education in the county, state, and nation. Utilize APA and professional editing.

4. **Online Weekly Critiques (20 points) (Jan-May - Ongoing)**

Online weekly critiques include required, ongoing, regular, and specifically assigned pre-and post-class learning activities that help students relate scheduled reading and other class materials and activities to current, real-time, and unforeseeable events. The assignments help students stay abreast of pertinent legal, ethical, and social justice-related developments in the field, which in turn provides them opportunities to experiment with and practice ethical leadership that is responsive to actual educational challenges. Blackboard blogs, discussion boards, Twitter, Facebook, and other electronic communication modes become the primary tools for sharing. Students utilize credible sources of current news, including cable news channels, public radio stations, newspapers, magazines, blogs, government websites, non-governmental (.gov) / non-profit organizations (.org) websites and top research university websites (.edu). Certain popular culture and landmark documents may also be used. A variety of short assignments constitute the online weekly critiques required for this class. Blackboard will be used as the primary method of communication for these assignments.

5. **Capstone Creative Social Justice Artifact (20 points) (April 21, 2015)**

The capstone creative social justice project will require you to: read additional selected critical articles and chapters; select a major educational – social justice problem
(February 17); identify a topic that requires critical examination of society and culture, as it intersects with law and power; identify key legal cases and appropriate critical theory; work in teams; develop an audience specific, educational, creative program appropriate for educating others; disseminate the empowerment program; critically evaluate observable/anecdotal evidence for effectiveness. Programs may include, but are not limited to, informative websites, blogs, newsletters, creative performances, compact discs, YouTube video, Facebook page, article, handbook, or symposia, or other community presentations.
## III. Proposed Course Outline
(Note this outline, like any part of the syllabus, is subject to change by the instructor. Students will be informed as necessary.)

<table>
<thead>
<tr>
<th>Date</th>
<th>Topics</th>
<th>Assignments</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 20</td>
<td>Introduction to the Course</td>
<td></td>
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<tr>
<td>January 27</td>
<td><strong>Group 1</strong> Best Interests of the Student</td>
<td>Ch. 1-5. Stefkovich</td>
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<tr>
<td></td>
<td>Intersections &amp; Power Hierarchies</td>
<td>Ch. 3, 4 Kaplin</td>
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<tr>
<td></td>
<td>U.S. Constitution and Relevance</td>
<td>Blackboard Assignment</td>
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<tr>
<td></td>
<td>Rights and Responsibilities College Governance and Employees</td>
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<tr>
<td>February 3</td>
<td><strong>Group 2</strong> History of Legal &amp; Ethical Issues in Higher Education</td>
<td>Kaplin 1, 8, 9</td>
</tr>
<tr>
<td></td>
<td>Rights and Responsibilities of Students</td>
<td>Blackboard Assignment</td>
</tr>
<tr>
<td></td>
<td>Landmark Cases</td>
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<tr>
<td></td>
<td>Overview of conducting law research (by instructor)</td>
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<tr>
<td>February 10</td>
<td><strong>Group 3</strong> Best Interests of the Student – Historical Precedents</td>
<td>Stader 3-7</td>
</tr>
<tr>
<td></td>
<td>Student Discipline</td>
<td>Kaplin 10, 11</td>
</tr>
<tr>
<td></td>
<td>Rights, Responsibilities of Organizations, Parents/Guardians, Public Safety</td>
<td></td>
</tr>
<tr>
<td>February 10</td>
<td>Paper Assignment Due: Introduction and Statement of Legal Issue</td>
<td>See above paper outline</td>
</tr>
<tr>
<td>February 17</td>
<td><strong>Group 4</strong> Best Interests of the Student – Current Legal/Ethical Issues</td>
<td>Ch. 6-10 Stefkovich</td>
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<tr>
<td></td>
<td>Non-discrimination, Title IX, and Clery</td>
<td>Kaplin 5 and online reading</td>
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<tr>
<td>February 17</td>
<td>Submit idea for capstone project</td>
<td>See above description</td>
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<tr>
<td>February 24</td>
<td><strong>Group 5</strong> Legal Planning and Dispute Resolution</td>
<td>Ch 2 Kaplin</td>
</tr>
<tr>
<td></td>
<td>Ethical Leadership and Intersectionality with Legal Remedies</td>
<td>Ch. 1 Starratt</td>
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<tr>
<td></td>
<td>Intro to legal writing (instructor)</td>
<td>Online Research</td>
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<tr>
<td></td>
<td></td>
<td>Blackboard Assignment</td>
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<tr>
<td>March 3</td>
<td><strong>All</strong> Best Interest of the Student</td>
<td>Stefkovich Ch. 11-15</td>
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<tr>
<td></td>
<td>Higher Ed Legal Issues</td>
<td>Kaplin 12-16</td>
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<tr>
<td>March 6</td>
<td>Paper Assignment Due: Statement of Law and Any Relevant Policy --</td>
<td>See above paper outline</td>
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<tr>
<td>March 10</td>
<td>Mid-term Break</td>
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<tr>
<td>March 17</td>
<td><strong>Group 1</strong> Research on a core legal issue:</td>
<td>Kaplin 6, 7</td>
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<tr>
<td></td>
<td>Faculty Autonomy, Academic Freedom, Employment Issues (hiring, tenure,</td>
<td>Blackboard Assignment</td>
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<td></td>
<td>promotion, termination)</td>
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<tr>
<td>March 24</td>
<td><strong>Group 2</strong> Research on a core legal issue:</td>
<td>Kaplin 6, 7</td>
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<tr>
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<td>Faculty Autonomy, Academic Freedom, Employment Issues (hiring, tenure,</td>
<td>Blackboard Assignment</td>
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<tr>
<td></td>
<td>promotion, termination)</td>
<td></td>
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<tr>
<td>March 31</td>
<td><strong>Group 3</strong> Critical Race Theory in Education</td>
<td>Critical Race Theory or Taylor-Foreword,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Introduction, 1, 2, 3</td>
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<td></td>
<td></td>
<td>Blackboard Assignment</td>
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<tr>
<td>April 2</td>
<td>Paper Assignment Due: Analysis Draft</td>
<td>See above paper outline</td>
</tr>
<tr>
<td>April 7</td>
<td><strong>Group 4</strong> Critical Race Theory &amp; Legal/ Ethical Implications</td>
<td>Critical Race Theory or Taylor-4,6,7,10,12,</td>
</tr>
<tr>
<td>April 14</td>
<td><strong>Group 5</strong> Research: Intersections of Race, Class, Gender, Sexuality,</td>
<td>Online Research</td>
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<tr>
<td></td>
<td>Age, Religion, and Education</td>
<td>Blackboard Assignment</td>
</tr>
<tr>
<td></td>
<td>Legal implication: Title IX and the US Constitution</td>
<td></td>
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</tbody>
</table>
April 21 | Capstone Creative Social Justice Artifact Due - Group Meetings with Instructor | See above description
---|---|---
April 28 | Presentations on Capstone Using the law to increase/strengthen social justice for all | Students
May 1 | Group Critical Theory and Ethics Project Due Individual Paper Assignment Due: Final Document with Conclusion and Bibliography | See above paper outline
May 11 | Final Grades Submitted | Instructor

(Note: Please check Blackboard and class notes for announcements.)

IV. Class Participation and Communication

Attendance

Your thoughtful contributions are needed for this seminar class to achieve academic excellence; therefore, class attendance and positive participation for each class, online, and team activity is necessary. Be cautioned that it is your responsibility to be on schedule with class progression; consequently, if you miss class, check with a classmate or me before you return for any new assignments so that you do not fall behind.

Academic Integrity

Graduate students are expected to complete all assignments in conformation to the ethics of scholarly standards. As such, students are responsible and obligated to be familiar with the university statements on academic honesty and to conduct themselves in accordance with the standards set forth in the Fayetteville State University Code of Student Conduct, found at [http://www.uncfsu.edu/handbook/pdf/Web%20pdf/Codeofconduct.pdf](http://www.uncfsu.edu/handbook/pdf/Web%20pdf/Codeofconduct.pdf).

Plagiarism is cheating and is taken very seriously by the university. Plagiarism is the undocumented use of another’s ideas or words. This includes not only published works, such as books, newspapers, or magazines, and papers on the Internet, but also other students papers or papers written for you by someone else. Students who plagiarize will be penalized according to university policy. Penalties may include failure of the class. One of the best indications of scholarship and intelligence is consultation of experts in the field via extensive reading and proper acknowledgement and citation. Therefore, you short-change yourself if you hide your sources!

Communication

All official communications regarding the course will be conducted using the university email and Blackboard announcements. Please activate and check your email often, especially before scheduled class periods.

REFERENCES (Suggested Readings, Internet and/or Multi-media Resources)

Primary Sources of Law Documents

11
A. Federal Statutes, Regulations, Policies, Opinions and Court Decision; etc.
   US Statutes at Large
   US Code
   Federal Register
   United States Report
   Supreme Court Reporter Lawyer’s Edition
   Federal Reporter
   Federal Supplement
   Shepard’s Federal Citations
   Department of Education

B. State Statutes, Policies, Opinions, and Court Decisions; etc.
   North Carolina General Statutes
   North Carolina Reporter
   North Carolina Court Appeals Reports
   South Eastern Reporter
   Public School Law of North Carolina
   North Carolina Administrative Code
   UNC General Administration
   Office of State Human Resources
   Department of Public Instructions
   North Carolina Attorney General Opinions

D. Institutional or School Policies
   Fayetteville State University Policies
   Cumberland County Schools Policy

Periodicals

Cases in Point (Library and Blackboard)
Journal of Law and Education
School Law Bulletin
West Education Law Reporter
Google Scholar
See also National Association of College and University Attorneys

Internet Resources
A comprehensive running list of internet resources will be found on Blackboard.