COURSE PURPOSE AND OBJECTIVES

This course is a graduate level course focusing on legal issues in public administration. Law, especially administrative law, is a critical component of public administration. This fact has often been obscured by an obsession within the field for efficient management. Law guides the administrative process through some lament, especially those who emphasize management as an objective science, as a fair and judicious activity. Furthermore, law also structures the context in which administration takes place. The Constitution and its prescriptions for the fundamental and political and administrative machinery creates the setting, or conceptually, the sociopolitical space, in which the seemingly overwhelming sea of rules and regulations can be generated by all types of administrative agencies at all levels or government.

One of the most important effects – and purposes – of the law is to organize the normative dimensions of public administration. Law in great part sketches what should be the roles of public administrators in governance. Furthermore, law also regulates how governments should be conducted, channeling the participation of the public and the actions of the managers. Too often political and administrative actors attempt to elude legal prescriptions in pursuit of managerial efficiency and policy objectives. The temporary benefits from quick action are often more than balanced by erosion in the public’s trust of government.

Administrative law is the core of the course. Administrative law is typically the non-Constitutional body of rules and prescriptions about how public administrators and agencies should act. In a few cases some concerns have become Constitutional issues, such as public access to agency documents. Primarily, however, administrative law is a detailed body of rules and prescriptions for public actors and agencies.

Most text books concentrate on the national level of government. The concentration reflects the amount of material available on that level and the relative lack of such material on the other levels of government. Additionally, these levels of government are marked by an incredible diversity in their administrative law. The course examines the material conceptually and the concepts are the same at all levels of government, including the role that other nations’ laws play in our administrative processes.
In terms of content, the course looks at the evolution of the law generally, the development of the “Administrative State” and why Americans have had a difficult time reconciling the two. We will note how the reconciliation is influenced by culture, politics, economics, and other issues in American society. We will study leading cases, discussing how the outcomes were affected by noted variations and how they apply in today’s Public Administration profession. We will also study statutes, regulations, agency opinions and directives, as well as the way in which they are produced and challenged. We will consistently address the ways in which the environment (social and political) impacts the development and evaluation of administrative law outcomes.

LEARNING OBJECTIVES

Each course in the curriculum should advance your understanding of a body of knowledge. In addition to the substantive knowledge, a professional degree program should instill a set of ethics, a code of conduct for those who are going to be professionals, and more importantly, a core set of values that structure ethics. At the conclusion of your study of administrative law, you should:

1. understand the origins and development of our legal system;
2. comprehend the role of law in the profession of Public Administration;
3. grasp the nexus of politics, law and Public Administration;
4. appreciate the judicial process and extra-judicial processes for settling disputes and guiding the decision-making process in many aspects of civil society; and
5. know the Constitutional foundations to Public Administration.

REQUIRED TEXTS


Additional readings will be distributed by the professor at various times during the semester via Blackboard.

ASSIGNMENTS

1. **Weekly assignments for class**

Reading assignments are listed below. Students are expected to read the cases in each chapter assigned before class and be prepared to discuss them. In most cases, students are expected to answer questions at the end of each chapter in the Szypszak text and submit their answers in an assignment in each week’s module in Blackboard. These written assignments are worth 10-30 points each. Students are expected to be prepared to discuss the questions at the end of each chapter assigned in the Harrington/Carter text. Other class assignments will be added from time-to-time.
2. Research paper

Students will be randomly assigned a partner and required to work together to write a 15-page paper on a topic related to legal issues and public administration. There are a number of exciting topics to choose from; however, each student team must receive advance written approval of the topic proposed. Students are expected to research the approved topic and present the team’s paper to the class according to the course schedule. The paper/presentation is worth 150 points.

Papers Guidelines

Length: The paper should be at least 15 double space typed pages not including the reference page. 12 point font, 1 inch margins, Times New Roman

Context: Each paper should describe the topic area selected (literature review – what have other scholars said, what research has been conducted) and present the nature of the policy problem or issue in specific detail.

References: Several references and sources should be cited. Articles, books, electronic journals, internet sources, etc. Please cite every source used and include them on a separate page. References should be alphabetically arranged by author. Minimum 10 academic sources. Additionally, at least 10 legal cases should be cited.

Grammar: All papers are to be written in Standard English, spell checked and checked for accuracy.

Plagiarism: Plagiarism may result in the students receiving a failing grade for the piece of work involved and a lower grade for the course. Electronic copies are required. The professor will access Turn It In.com for all papers.

3. Final Project

Students will be randomly assigned a partner with whom to work to complete all aspects of the project. Students will identify a significant and recent issue a public administration professional is facing and prepare a memo to counsel seeking legal advice. The professor will respond to student teams with a written legal opinion that provides advice and direction. The student team will then prepare a memo to the agency’s staff giving concrete, realistic direction and instructions on how to proceed to appropriately address the issue facing the agency. This is a 3-part project that is worth 150 points.

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<thead>
<tr>
<th>Assignment</th>
<th>Points</th>
<th>Due Dates</th>
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<tbody>
<tr>
<td>1. Reading &amp; written assignments</td>
<td>10 x 30 = 130</td>
<td>See schedule</td>
</tr>
<tr>
<td>2. Research paper &amp; presentation</td>
<td>150</td>
<td>October</td>
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<tr>
<td>3. Final project</td>
<td>150</td>
<td>November/December</td>
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COURSE TOTAL: 430 points
GENERAL COURSE POLICIES

I expect all students to conduct themselves with professional courtesy, which includes but is not limited to the following:

(1) **Reading Assignments:** Reading assignments should be completed in advance, and class members should be prepared for weekly class discussions. At this point in your education, your participation is required. When case studies are distributed for reading it will be assumed you will be prepared to lead a discussion.

(2) **Attendance:** Regular attendance and meaningful participation will provide the margin of difference for those on the borderline between grades. Class attendance and participation are expected in a graduate course. While the professor will be tolerant of legitimate absences (e.g., an occasional work assignment), she will be intolerant of illegitimate absences (e.g., just cutting class). Chronic unexcused or illegitimate absences will not be tolerated. If you have a legitimate excuse for not attending a class session, please let me know, in advance if possible. Two (2) unexcused absences will result in the reduction of one letter grade (from an A to B or a WF). Three (3) or more unexcused absences will result in the reduction of two letter grades (from an A to C or a WF). I reserve the right to decide what absences are excused or not excused, and will take into account any special circumstances that arise. Part of the degree requirements is to attend class. As a department we certify (via the MPA degree) to your future employer and to the public, that you comprehend a specific body of knowledge and have been socialized into a public service career. This cannot be accomplished with poor class attendance.

(3) **Cheating or Plagiarism:** In accordance with departmental policy, cheating or plagiarism will result in a grade of F for the course. Any work submitted for a grade should be the original work of the student. Remember, plagiarism is a violation of acceptable student conduct. Long quotations should be avoided. Text or unique ideas taken directly from an author (quoted or paraphrased) should be cited and that citation should include a page number for the text. Violations will not be treated lightly, and disciplinary action will be taken should such violations occur. Please see the professor if you have any questions about academic integrity in general or as it relates to particular requirements for this course.

(4) **Classroom/Learning Accommodations:** Attached to this syllabus is an ADA statement. If you are a student with a qualifying disability that will affect your participation in class or your ability to take tests (as certified by the UNT Office of Disability Accommodation), please see the professor no later than the second class meeting so that we can work out appropriate accommodations.

(5) **Late Work:** Just as you would expect to turn in a work assignment in a timely manner, so also should you submit class assignments in a timely manner. Late work should be avoided and is subject to a 2-day notice period. That is, if you are not able to submit an assignment by the deadline, you may address this with the professor within 2 days (48 hours) of the deadline. It is within the professor’s discretion to determine whether late work will be accepted and the consequences therefor.

(6) **Computer:** If you are going to use a lap top computer for note taking, please do not surf the web or answer emails during class. My experience and that of other students has shown this conduct to be very disruptive. Violations of this policy will result in the student being asked to not to bring the computer or other device to class and or a grade deduction (One-full level grade point deduction from your final course grade (i.e., your overall grade in the course will move from an A to a B, a B to a C, etc.). Finally, it is not okay to TEXT or to use any other electronic devices unless instructed to do so. This class and Department policy will be enforced.

(7) **Promptness:** please do not be tardy to class. I expect all students in their seats and ready to begin at
the appointed time. I reserve the right to take further action if a student is continually late to class. I will, however, understand the occasional traffic jam situation.

(8) **Respect for fellow students, the field, and the instructor:** Although some of the issues we will cover can be controversial and may evoke an emotional response, please treat other students respectfully. When I am in front of the class lecturing or addressing a question from a student, I expect your full attention. This means no talking with other students or in any way distracting me or the class from the lecture/discussion. Please wait your turn if you would like to contribute to the discussion. Do not carry on a conversation with someone else in the class or you may be asked to leave the classroom. Please turn off your phones.

(9) **Syllabus Changes:** I reserve the right to change, modify, add to, alter, delete, and otherwise rearrange the syllabus to make the learning process accessible. If this were to occur, students will be given advance notice and a copy of the changes.

(10) **Ph.D. Students:** Additional work will be required of Ph.D. students. See professor.

(11) **Spot Survey:** Please complete course evaluation by going to my.unt.edu. It is a requirement for all organized classes at UNT. This short survey will be made available to you at the end of the semester, providing you a chance to comment on how this class is taught. I am very interested in the feedback I get from students, as I work to continually improve my teaching. I consider the survey to be an important part of your participation in this class. Constructive comments and ideas to improve the course are appreciated.

**ASSIGNMENTS: Course Structure, Requirements, and Grading Criteria**

A combination of lecture, discussion, and classroom activities will be utilized for the class sessions. The course will be as action-oriented as possible and thus will rely a great deal on your eager involvement. I will introduce the pertinent subject matter and attempt to tie together the various readings on a topic, but you will be expected to actively participate in discussions. You are expected to read and comprehend all of the required readings.
COURSE SCHEDULE

**Week 1 - August 28-September 3 - Understanding Law and the Rule of Law in Public Administration**

Read - Harrington/Carter - Chapter 1; Szypszak – Chapters 14 and 15

**Week 2 – September 4-10 – Origins and Meaning of Administrative Law**
Read – Szypszak - Chapter 1; Harrington & Carter -Chapters 1 and 2
Complete - Szypszak – Chapter 1 review questions – 10 points (due Thursday at 6pm)
Discuss in class – understanding judicial opinions/case law; exercises and questions in Harrington & Carter text after chapters 1 and 2

**Week 3 – September 11-17 – Constitutional Authority of Agencies**
Read – Szypszak – Chapter 2; Harrington & Carter Chapters 3 and 4
Complete – Szypszak – Chapter 2 review questions - 10 points (due Thursday at 6pm)
Discuss in class – exercises and questions in Harrington & Carter text after chapters 3 and 4

**Week 4 – September 18 – September 24 – Due Process, Free Speech and Freedom of Information**
Read – Szypszak – Chapters 3-5; Harrington & Carter Chapter 5
Complete – Szypszak – Chapters 3-5 review questions - 30 points (due Thursday at 6pm)
Discuss in class – exercises and questions in Harrington & Carter text after chapter 5

**Week 5 – September 25 – October 1 – Property; Contracts; Criminal Law and Procedure**
Read – Szypszak – Chapters 6, 7 and 10
Complete – Szypszak – Chapters 6, 7 and 10 review questions - 30 points (due Thursday at 6pm)
Discuss in class – case study on contracts; research paper assignment

**Week 6 – October 2-8 – Informality and Formality in Administrative Law and Administrative Hearings; Ambiguities in Rulemaking**
Read – Szypszak – Chapter 11; Harrington & Carter Chapters 6-9
Complete – Szypszak – Chapter 11 review questions - 10 points (due Thursday at 6pm)
Discuss in class – exercises and questions in Harrington & Carter text after chapters 6-9

**Week 7 – October 9-15**
Research paper presentations

**Week 8 – October 16-22 – Judicial Review**
Read – Szypszak – Chapter 13; Harrington & Carter Chapter 10
Complete – Szypszak – Chapter 13 review questions - 10 points (due Thursday at 6pm)
Discuss in class – exercises and questions in Harrington & Carter text after chapter 10

**Week 9 – October 23-29 – Judicial Review from the Bench and Bar**
Class – Judge and attorney panel
**Week 10 – October 30-November 5 - Liability**
Read – Szypszak – Chapter 9; Harrington & Carter Chapter 11
Complete – Szypszak – Chapter 9 review questions - 10 points (due Thursday at 6pm)
Discuss in class – exercises and questions in Harrington & Carter text after chapter 11

**Week 11 – November 6-12 – Licensing; Law of Public Employment**
Read – Szypszak Chapter 8; Harrington & Carter Chapters 12-13;
Complete – Szypszak – Chapter 8 review questions - 10 points (due Thursday at 6pm)
Discuss in class – exercises and questions in Harrington & Carter text after chapter 12-13

**Week 12 – November 13-19 – Ethical Principles; Politics in Administrative Law**
Read – Szypszak – Chapter 12; Harrington & Carter Chapter 14
Complete – Szypszak – Chapter 12 review questions - 10 points (due Thursday at 6pm)
Discuss in class – exercises and questions in Harrington & Carter text after chapter 14; final project assigned and discussed

**Week 13 – November 20-26 - Thanksgiving Holiday – No Class – Final Project**
Work on final project with partner
Team memo – part 1 – due Wednesday, November 22

**Weeks 14 & 15 – November 27-December 7 – Final Project**
Counsel’s memo – provided to teams on Wednesday, November 29
Team memo – part 2 – due Thursday, December 7
University of North Texas  
Department of Public Administration

POLICY ON CHEATING AND PLAGIARISM  
Notice of this policy shall be given in all public administration classes each semester, and written copies shall be available in the public administration office.

Definitions  
The UNT Code of Student Conduct and Discipline defines cheating and plagiarism “as the use of unauthorized books, notes, or otherwise securing help in a test; copying other’s tests, assignments, reports, or term papers; representing the work of another as one’s own; collaborating without authority with another student during an examination or in preparing academic work; or otherwise practicing scholastic dishonesty.”

Penalties  
Normally, the minimum penalty for cheating or plagiarism is a grade of “F” in the course. In the case of graduate departmental exams, the minimum penalty shall be failure of all fields of the exam. Determination of cheating or plagiarism shall be made by the instructor in the course, or by the departmental faculty in the case of departmental exams. Cases of cheating or plagiarism on graduate departmental exams, papers, theses, or dissertations shall automatically be referred to the departmental Curriculum and Degree Programs Committee. Cases of cheating or plagiarism in ordinary course work may, at the discretion of the instructor, be referred to the Curriculum and Degree Programs Committee in the case of either graduate or undergraduate students. This committee, acting as an agent of the Department, shall impose further penalties, or recommend further penalties to the Dean of Students, if they determine that the case warrants it. In all cases, the Dean of Students shall be informed in writing of the case.

Appeals  
Students may appeal and decision under this policy by following the procedure laid down in the UNT Code of Student Conduct and Discipline.

POLICY ON DISABILITY ACCOMMODATION  
The Department of Public Administration, in cooperation with the Office of Disability Accommodation, complies with the Americans with Disabilities Act in making reasonable accommodations for qualified students with disabilities. Please present your written accommodation request during regular office hours before the 12th class day of regular semesters (4th class day of summer sessions).

POLICY ON LAPTOPS AND CELL PHONES IN THE CLASSROOM  
The classroom setting at an institution of higher learning is intended to serve as a venue that permits the transfer of knowledge and facilitates the sharing of ideas. As such, it is imperative that any distractions from these stated objectives be avoided and kept to a minimum. Potential disruptions include modern electronic devices such as laptop computers and cell phones. Students are allowed to take notes on personal laptop computers to enhance the learning process, but they should not activate their internet browsers during class or use computers for non-academic purposes (as this diverts attention from the lecture/discussion for both the student using it and others nearby). Students should also avoid using cell phones to search the Internet or text while class is in session. Exceptions to this policy will be at the discretion of the faculty only and may occur if searching the Internet is necessary to find additional information or facts related to the subject being covered on that particular day.

POLICY ON STUDENT BEHAVIOR IN THE CLASSROOM  
Student behavior that interferes with an instructor’s ability to conduct a class or other students' opportunity to learn is unacceptable and disruptive and will not be tolerated in any instructional forum at UNT. Students engaging in unacceptable behavior will be directed to leave the classroom and the instructor may refer the student to the Center for Student Rights and Responsibilities to consider whether the student's conduct violated the Code of Student Conduct. The university's expectations for student conduct apply to all instructional forums, including university and electronic classroom, labs, discussion groups, field trips, etc. The Code of Student Conduct can be found at www.unt.edu/csrr.