



MIDWESTERN STATE UNIVERSITY  
A Member of the Texas Tech University System

**Higher Education Law**  
**EDLE 5203-X30/X31**  
**Course Credit: 3 hours credit**  
**Summer I 2023, June 5-July 7**

Contact Information

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Office hours:

**Student Support Hours**

As needed by phone or zoom

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**COURSE INFORMATION**

**Course Overview and Description**

This course explores legal concerns pertaining to students in higher education. These legal concerns include the United States Constitution, Federal and State Regulations, case law, and ethical considerations in compliance and Student Affairs Practice.

**Learning Outcomes: Course Objectives**

Upon successful completion of this course, learners will:

- a) Understand how legal issues impact and interact with the functions of higher education pertaining to students;
- b) Have a baseline ability to identify, find, and explain relevant case law that should inform administrative decisions within higher education; and
- c) Understand basic ethical principles as they apply to higher education administration and the law.

**Recommended Course Readings and Materials**

Chemerinsky, E., & Gillman, H. (2018). Free speech on campus. Yale University Press.

Office of Civil Rights, Department of Education, (2022). *34 CFR Part 106 [Docket ID ED-2021-OCR- 0166]: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*. (2022). Federal Register Vol. 87, No. 132, Proposed Rules. <https://www.govinfo.gov/content/pkg/FR-2022-07-12/pdf/2022-13734.pdf>. Pages 178 – 190.

Students will be asked to read additional materials for the case law brief assignment (see below).

**Assignments, Evaluations Procedures, and Grading Policies**

Table 1: COURSE REQUIREMENTS & GRADING

<b>Activity</b>	<b>Points</b>
Introduction	3 points
Discussion Posts	40 points (10 points each)
Case Law Briefs	20 points
Leadership Interview	20 points
Make your Case Video	20 points
What You Learned Post	3 points

Table 2: Points Grading Scale: Out of 100 assignable points.

<b>Letter Grade</b>	<b>Points</b>
A	90-100
B	80-89
C	70-79
D	60-69
F	0-59

Submitting Assignments: Apart from the discussion posts (including your introduction and what you learned), you will submit all assignments through the submission page in D2L. Discussion posts must be completed each assigned week on the discussion board in D2L.

**Course Assignments**

**Introduction: (3 Points)**

In the discussion forum in D2L, introduce yourself to me and your peers. What brought you to the higher education leadership program? What have you gained from the program thus far? What do you hope to learn during this course?

**Discussion Posts (40 Points Total – 10 Points Each Post)**

While this course is entirely online, active participation assists in the learning process. Active participation will be assessed through discussions. Your participation grade for each of the five weeks will be evaluated on the following scale:

Table 3: Discussion Post Rubric

10 points	1-5 Points	0 Points
Demonstrated knowledge of multiple points from readings for the week. Actively engaged with classmates in discussion posts, including answering a question, responding to a comment, etc.	Demonstrated minimal knowledge of content from the readings for the week. Did not engage actively with classmates in discussion.	Did not post in discussion for the week.

Discussion posts should be completed no later than midnight (central standard time) on Friday each week in D2L. To demonstrate active participation and support your classmates in their active participation, initial posts in each week’s discussion should start early in the week.

**Case Law Briefs (20 Points)**

Select three of the cases listed below. You will need to utilize your resources through the University Library to find the cases. Nexis Uni is a great database for seeking legal information.

Nexis Uni: [Link to Nexis Uni](#)

Read the cases and write a case brief for each case selected. A case brief should include: The case name, facts of the case, the questions at issue, the answers to each question, the reasoning of the court, and if applicable, additional comments. I have provided examples of case briefs.

Cases:

- Bazaar v. Fortune, 476 F. 2d 570 (1973)
- Bazaar v. Fortune, 489 F. 2d 225 (5th Cir. 1973)
- Dixon v. Alabama State Board of Education, 294 F.2d 150 (5th Cir.1961)
- Fisher v. The University of Texas at Austin, et al., 579 U.S. 365 (2016)
- Gay Student Services v. Texas A&M University, 737 F.2d 1317 (5th Cir. 1984)
- Gonzaga University v. Doe, 536 U.S. 273 (2002)
- Meriwether v. Hartop, 992 F. 3d 492 (2021)
- Perkins v. State Board of Education, 364 So. 2d 183 (Ct. App. La., 1st Cir. 1978)
- Tarasoff v. Regents of the University of California, 551 P. 2d. 334 (Cal. 1976)
- Tinker v. Des Moines Independent Community School District, 393 U.S. 503, (1969)
- University of Texas Medical School at Houston v. Than, 874 S.W. 2d 389 (Tx. App. Houston 1994); 901 S.W. 2d 926 (Tex. 1995)
- Victim Rights Law Center et al. v. Cardona, No. 1:20-cv-11104, 2021 WL 3185743 (D. Mass. July 28, 2021)

**Interview (20 Points – 5 of which are for submitting your interviewee name)**

Identify an individual that currently holds a position in higher education that you might

someday be interested in holding. You should consider the ways in which this individual may be impacted by legal issues to get a robust response to your interview questions. You will need to provide this individual's name, title, and institution.

Conduct a 30 – 60-minute recorded interview with the approved interviewee. You will submit the recording along with your essay to complete this assignment. Your interview should be focused on ways in which the interviewee's work is impacted by legal concerns. Some recommended questions include:

- Tell me a little about yourself and the work that you do.
- In what ways is your work affected by state, federal, or local laws?
- Which laws are the most impactful on your day-to-day work and how?
- Why do you believe these laws are important?
- Are there times when laws make your work challenging? If so, how?
- If you could change or impact any of these laws, would you and how?

### **Make Your Case Video (20 Points)**

When working in higher education, you sometimes have to assist others in understanding the law. Below are a number of scenarios that frequently come up in higher education. You will review the list of scenarios. Each person should select a scenario to respond to. You may assist each other with your individual scenarios and what you believe is the best course of action. You may also seek advice from current higher education professionals. You should utilize information from the text, law, and case law to support your response.

You will make a video for your scenario selected. Each person should make a convincing argument regarding the best course of action to take in their scenario that is both ethical and legal. Videos should be no less than five minutes and no longer than ten minutes. Videos should be uploaded into D2L.

Scenario Options:

1. A student organization has posted yard signs making fun of another student organization on campus. The advisor for the student organization who was made fun of removed the signs and has requested the student organization responsible for the signs be removed from campus. The location where the signs are posted is a commonly used space for student organizations to share information.
2. A student organization is protesting the institution's president. They are using a bullhorn to express their dislike of policies coming from the current administration. The students are using profanity in the expression of their viewpoint. It is 3:00pm on a Thursday, outside of the campus building where the president's office is housed. There are two classroom buildings nearby.
3. A student went on their personal social media and posted a video containing clearly racist content. Alumni and the community have seen the video and are

- demanding the student be expelled immediately. You discover the student is related to a major donor for the university.
4. You have been working with a student on their academic progress, they have also disclosed personal information to you during your work together. You receive a phone call from this student's parent demanding you share what you have been working on with the student. The parent indicates that the student has signed a blanket waiver and that you have to speak with them.
  5. In a building, for which you have responsibility, there is a secure area that houses confidential employee information. You notice that someone has propped the back door to this area open and there is an extension cord running into the hallway connected to a popcorn machine that was placed in an alcove across the hall. The cord is not taped down and you observe someone trip over the cord with no injury. You find out from a staff member that staff are having a networking gathering in the hallway in fifteen minutes, which is why the popcorn machine is there.
  6. It is the start of the fall semester. You are the department head. A student taking a lab within your department informed their faculty member that they had a baby over the summer and require space to pump and would need to do this during the middle of their lab each week. The faculty member told the student there is no space they can use and that they certainly cannot step out of the lab. The student filed a complaint to you regarding the faculty member's failure to accommodate their lactation needs.
  7. An international student has been reported for engaging in significant stalking behavior against another student. The behavior has been significant enough that the complainant fears for their safety, has skipped classes, and has altered how they get to and from campus. During the investigation, the international student discloses a disability that the student believes contributes to the reported behavior. Additionally, the international student is on a student visa and is concerned about returning to their home country.

### **What You Learned Post (5 Points)**

The What You Learned Post should include a summary of the key items you have learned during this 5-week course. Consider what aspects of the texts were most salient, what you believe will have the greatest impact on your work, and how you will keep up with local, state, and federal law. The post should be put in the D2L discussion board.

### **Grades and Assignment Deadlines**

As referenced above, assignments must be completed through Canvas. You will be able to review your grades through the Canvas grade book throughout the semester.

Please note the assignment due dates as posted in the Canvas assignments. Assignments are due by midnight (central standard time) of the date posted.

Late submission of assignments will result in an automatic reduction of 10% in your grade for that assignment. No assignments will be accepted after the last day of class.

**Course Topics, Calendar of Activities, Major Assignment Dates**

<b>Week</b>	<b>Readings</b>	<b>Assignment Due</b>	<b>Important Dates/Notes</b>
<b>Week 1</b> June 5-9	<ul style="list-style-type: none"> <li>Start First Reading</li> </ul>	<ul style="list-style-type: none"> <li>Introduction (Due Friday, June 9)</li> </ul>	<ul style="list-style-type: none"> <li>June 23: Last Day for "W"</li> <li>June 26: Deadline for Aug Graduates to file for graduation</li> <li>July 7: Final Exam</li> </ul>
<b>Week 2</b> June 12-16	<ul style="list-style-type: none"> <li>Start Reading Cases for Case Law Briefs</li> </ul>	<ul style="list-style-type: none"> <li>Discussion Post- Case Brief (Due Friday, June 16)</li> </ul>	
<b>Week 3</b> Jun 19-23	<ul style="list-style-type: none"> <li>Cases for Case Law Briefs</li> </ul>	<ul style="list-style-type: none"> <li>Discussion Post (Due Friday, June 23)</li> <li>Interview (Sunday)</li> </ul>	<ul style="list-style-type: none"> <li>June 19-Juneteenth Holiday</li> </ul>
<b>Week 4</b> Jun 26-30	<ul style="list-style-type: none"> <li>Cases for Case Law Briefs</li> <li>First Half (Chemerinsky, E. &amp; Gillman, H.)</li> </ul>	<ul style="list-style-type: none"> <li>Discussion Post (Friday, June 30)</li> </ul>	
<b>Week 5</b> July 3-5	<ul style="list-style-type: none"> <li>Second Half (Chemerinsky, E. &amp; Gillman, H.)</li> <li>Pages 178 – 190 (Office of Civil Rights, Department of Education) – see URL in Course Readings &amp; Material</li> </ul>	<ul style="list-style-type: none"> <li>Make Your Case Video (Tuesday, July 4)</li> <li>What You Learned Post (Wed, July 5)</li> </ul>	

You may find more important dates on the University's [Academic Calendar and Registration Schedule](#).

**Student Handbook**

Refer to: [Student Handbook-2022-23](#)

**Academic Misconduct Policy & Procedures**

Academic Dishonesty: Cheating, collusion, and plagiarism (the act of using source material of other persons, either published or unpublished, without following the accepted techniques of crediting, or the submission for credit of work not the individuals to whom credit is given). Additional guidelines on procedures in these matters may be found in the Office of Student Conduct.

[Office of Student Conduct](#)

**Writing Standards**

As a graduate student, you are expected to have strong writing skills. As such, the

written work you submit should be clear, well-organized, and free of grammar and syntax errors. It is further expected that all papers will be carefully proofread prior to submission. Papers and citations should be submitted in APA style (7th edition).

### **Communications and Feedback**

All communication will be conducted via email and in D2L.

You should expect feedback on any assignments submitted within one week of the due date.

If you have questions about the class or an assignment, please feel free to email me, attend office hours (virtually), or post them to the class questions discussion board. If you need to see me during office hours, it is best to arrange an appointment to ensure that we are both available at the same time.

### **Syllabus Disclaimer**

The instructor reserves the right to amend the course outline at any time during the semester. To avoid student disappointment, it is the responsibility of the student to clarify any issues with the instructor concerning an assignment prior to it being graded. No assignment due dates will be made earlier than outlined in the schedule below due to a syllabus change.

## **Institutional Policies**

### **Academic Misconduct**

Academic Dishonesty: Cheating, collusion, and plagiarism (the act of using source material of other persons, either published or unpublished, without following the accepted techniques of crediting, or the submission for credit of work not the individuals to whom credit is given). Additional guidelines on procedures in these matters may be found in the Office of Student Conduct.

[Office of Student Conduct](#)

### **Student Honor Creed**

***"As an MSU Student, I pledge not to lie, cheat, steal, or help anyone else do so."***

As students at MSU, we recognize that any great society must be composed of empowered, responsible citizens. We also recognize universities play an important role in helping mold these responsible citizens. We believe students themselves play an important part in developing responsible citizenship by maintaining a community where integrity and honorable character are the norm, not the exception.

Thus, We, the Students of Midwestern State University, resolve to uphold the honor of the University by affirming our commitment to complete academic honesty. We resolve not only to be honest but also to hold our peers accountable for complete honesty in all university matters.

We consider it dishonest to ask for, give, or receive help in examinations or quizzes, to use any unauthorized material in examinations, or to present, as one's own, work or ideas which are not entirely one's own. We recognize that any instructor has the right to expect that all student work is honest, original work. We accept and acknowledge that responsibility for lying, cheating, stealing, plagiarism, and other forms of academic dishonesty fundamentally rests within each individual student.

We expect of ourselves academic integrity, personal professionalism, and ethical character. We appreciate steps taken by University officials to protect the honor of the University against any who would disgrace the MSU student body by violating the spirit of this creed.

Written and adopted by the 2022-23 MSU Student Senate.

### **Services for Students with Disabilities**

In accordance with Section 504 of the Federal Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, Midwestern State University endeavors to make reasonable accommodations to ensure equal opportunity for qualified persons with disabilities to participate in all educational, social, and recreational programs and activities. After notification of acceptance, students requiring accommodations should make application for such assistance through Disability Support Services, located in the Clark Student Center, Room 168, (940) 397-4140. Current documentation of a disability will be required in order to provide appropriate services, and each request will be individually reviewed. For more details, please go to [Disability Support Services](#).

### **Important Dates**

Last day for term schedule changes: NA

Deadline to file for graduation: June 26

Last Day to drop with a grade of "W:" June 23

Refer to: [Drops, Withdrawals & Void](#)

### **Desire-to-Learn (D2L)**

Extensive use of the MSU D2L program is a part of this course. Each student is expected to be familiar with this program as it provides a primary source of communication regarding assignments, examination materials, and general course information. You can log into D2L through the MSU Homepage. If you experience difficulties, please contact the technicians listed for the program or contact your instructor.

### **College Policies**

Campus Carry Rules/Policies

Refer to: [Campus Carry Rules and Policies](#)



### Smoking/Tobacco Policy

College policy strictly prohibits the use of tobacco products in any building owned or operated by WATC. Adult students may smoke only in the outside designated-smoking areas at each location.

### Alcohol and Drug Policy

To comply with the Drug Free Schools and Communities Act of 1989 and subsequent amendments, students and employees of Midwestern State are informed that strictly enforced policies are in place which prohibits the unlawful possession, use or distribution of any illicit drugs, including alcohol, on university property or as part of any university-sponsored activity. Students and employees are also subject to all applicable legal sanctions under local, state and federal law for any offenses involving illicit drugs on University property or at University-sponsored activities.

### Grade Appeal Process

Update as needed. Students who wish to appeal a grade should consult the Midwestern State [University MSU Catalog](#)

### Notice

Changes in the course syllabus, procedure, assignments, and schedule may be made at the discretion of the instructor.