



Harrington, Christine B., & Lief H. Carter. 2009. *Administrative Law and Politics*. Washington:DC. CQ Press. ISBN 978-0-87289-934-6

### **Instructional Methodology**

This course is a hybrid course utilizing traditional classroom lectures, discussion activities, assigned readings, individual online research, written assignments, online learning activities and discussions. Students are expected to be prepared and informed participants in all activities.

### **Course Requirements:**

Final grades in this course will be based on:

- Regular class attendance
- Constructive participation in class discussions
- Four position papers
- Mid-term Exam (cumulative to the date of the exam)
- One term paper (annotated bibliography)
- Cumulative Final Exam (cumulative to the date of the exam)

### **Class Rules:**

- Students must arrive on time for class.
- All assigned readings must be completed before the class. The instructor may assign additional readings as necessary.
- Class discussions are to be conducted in a respectful and orderly fashion.
- All students are expected to participate in as many discussions as possible. Active and constructive participation will count towards the final grade.
- Plagiarism and other forms of academic dishonesty will not be tolerated. The university reserves for instructors the right to assign a failing grade to any work which violates the rules of academic integrity. All work must be original, and contributing sources must be appropriately cited. Students are strongly advised to visit the following website and familiarize themselves with the content of this website: <http://www.plagiarism.org/>
- Professional and respectful classroom conduct is expected of all students. Late arrivals, leaving early, or whispering, beepers, cell phones in class are distracting and unprofessional
- No make-up quizzes or exams will be given unless exceptional extenuating circumstances can be proven.
- No extensions in time will be granted for turning in assignments.

Class attendance is mandatory. Attendance will be recorded at each class. Please notify the instructor if you expect to be absent from a class. University policy requires that students who do not regularly attend class or stop attending class will be assigned a final grade of “F” or “W” (unofficial withdrawal). If a student misses a class, he/she is responsible for getting the notes, announcements, and assignments from another classmate. Students are expected to

follow all school rules regarding tobacco, firearms, language and behavior, and in all other matters. Beepers and cell phones should be turned off during class time

**Evaluation Criteria:**

This is a seminar class and requires thoughtful preparation and active participation by all class members. Participation grades will be based on the level of preparation students demonstrate in their contribution to class discussions. Written work will be evaluated on the students' demonstrated ability to apply different theoretical perspectives discussed in class to analyzing issues in administrative law. Writing must also be organized logically to build a clear and supportable conclusion. **All** sources must be appropriately acknowledged and cited appropriately. The difference between average and an outstanding performance in this class will depend on a demonstrated ability to creatively link key concepts to arrive at original observations and conclusions.

**Course Requirements:**

Annotated Bibliography	100 points
Assignments	100 points
Midterm Exam	100 points
Final Exam	<u>200 points</u>
<b>Total</b>	<b>500 points</b>

**Grading Scale:**

Final Grades will be premised on cumulative points as follows:  
A = 500- 450; B = 449 - 399; C = 398 - 348; D = 347 - 275; F = below 274.

Individual Grading Scale: A = 90 - 100; B = 80 – 89; C = 70 – 79 ; D = 60 - 69; F = below 60.

**Assignments:**

Students will be required to complete four written assignments over the duration of this course. Assignments are listed in the contents of this course on e-learn. These assignments will be 7-9 page essays related to topics in administrative law. **The assignments are to be submitted via the e-learn dropbox. DO NOT send them to MyTSU because I do not use that email account!**

Your papers should have the following sections: a title page with the students name, date, class and the instructors' name, an abstract at the bottom of the title page, an introduction section, literature section, position section, conclusion, and works cited section (minimum of three sources). All references used in writing your papers should be cited appropriately (excluding the title page and the reference section, your paper should be no less than 7 pages in length).

Paper format:

- APA format, 12 point font
- 1 inch margins
- 1.5 line spacing

Section Contents of Position Paper:

Abstract or Executive Summary:

The issue, purpose, policy position, and conclusion of your paper.

Introduction:

The introduction section of the paper should tell me the *problem* and *purpose* of your paper.

Literature Review:

The literature review should discuss at least *two opposing positions* on a particular issue in the assigned readings.

Position:

*Support* a conclusion or a position based the works you discussed in your literature review, or propose an alternative position. In stating your position you should identify why you believe the option you chose is adequate and why the other position would be inadequate for the issue at hand.

Furthermore, you should identify possible limitations of your position.

*Conclusion:*

The conclusion is a brief summary of what your paper was about.

**Annotated Bibliography:**

Chose one topic from the following list of topics from this course: personal responsibility and liability; judicial review of administrative action; rulemaking. Prepare an annotated bibliography on the topic chosen using the format below:

- *Citation* of the work
- The stated *Problem* addressed by the work
- The *Purpose* of the work
- The *Methods* used to gather the data in the work, if applicable
- The *Findings and Conclusions* of the work
- Your *Opinion* of the validity of the work in helping you to understand an issue in administrative law

The overall structure of the Annotated Bibliography should be as follows:

- Title Page
- *Table of Contents* of sections with each work alphabetized
- The *summarized articles* in alphabetical order
- An *analysis* of the articles relating them to one another
  - Address the literature gap that warrants further research on your topic
  - An automatic letter grade will be deducted from your grade if this question is not addressed
- *Conclusion* stating what we have learned from the articles
- *Bibliography*

Format:

- APA format, 12 point font

- 1 inch margins
- 1.5 line spacing

**Minimum Requirements for the Annotated Bibliography:**

- At least 15 pages in length, not counting the title page but no more than 20 pages.
- No less than 12 sources, of which at least 7 must be from referred journal articles.

**Note:** Late projects will automatically be reduced one letter grade for each day they are late. Following explicit directions is an important aspect of graduate school training. Therefore, it is important that the student follow the stated guidelines in this syllabus, throughout the course of this class, because failure to do so will result in point reductions. It is in your best interest to submit papers at least two weeks before the due date, so I can make suggestions on how you might want to change your work in order to receive a higher grade.

**Exams:**

Each student will be required to complete a midterm and final exam. These exams will consist of essay questions, the answers to which are to be written in the format of a position paper using the same structure as the position papers submitted during the semester.

**Course Requirements**

Students are expected to read all assigned materials each week and to be prepared to discuss and use these materials during the class and in online discussions. Everyone will be expected to participate in discussions and present periodic analyses of selected reading materials. This course is a hybrid course, therefore, class will meet on alternating weeks, with online activities in the intervening weeks.

**Participation and Attendance**

Each student is expected to attend and participate in all classes and online activities. A record of attendance will be taken at each class meeting, and online participation will be monitored via e-Learn.

**Evaluation Criteria & Procedures**

Participation grades will be based students' performance in classroom discussion assignments. Assessment will be assessed on the following: (1) participation in each discussion; (2) constructiveness, and thoughtfulness of each student's contribution; (3) observance of appropriate classroom etiquette. Attendance grades will be based on students' attendance record. In all classroom and written work, students will be assessed by the extent to which they:

1. Demonstrate a clear understanding of the concepts presented in the assigned readings
2. Apply these concepts to analyze the issues and debates covered in this course and form ideas of their own about these topics.

3. Discuss public administration theory and practice constructively and thoughtfully using facts and concepts drawn from readings and research.
4. Demonstrate their ability to compare and contrast ideas, differing theories and perspectives in public administration, offer penetrating criticisms and appraisals, and their own clear ideas.
5. Express themselves clearly and effectively, with correct spelling and grammar in all online discussions and submitted work.

### **Classroom Conduct**

Tennessee State University expects all students to act honestly and with personal integrity. Cheating and plagiarism will not be tolerated. For further information on the University's standards of ethical conduct, please read the Undergraduate Catalogue section entitled "Academic Misconduct," the Student Handbook sections entitled "Statement of Values" and "Academic Integrity." Additionally, students are expected to familiarize themselves with the attached document entitled "Promoting Academic Integrity."

### **e-Learn Orientation:**

<http://www.tnstate.edu/awc/orientation/index.htm>

### **Support Services for Distance Learners:**

[http://mytsu.tnstate.edu/cp/tag.64f9b716b8bf5c04.render.userLayoutRootNode.uP?uP\\_root=root&uP\\_sparam=activeTab&activeTab=u480411s30&uP\\_tparam=frm&frm=](http://mytsu.tnstate.edu/cp/tag.64f9b716b8bf5c04.render.userLayoutRootNode.uP?uP_root=root&uP_sparam=activeTab&activeTab=u480411s30&uP_tparam=frm&frm=)

### **Net etiquette**

The same code of conduct for traditional the classroom setting applies to online classes. Online classes also have their own "code of conduct" which consists of the traditional classroom code PLUS what is called "netiquette" - a practical code of behavior for working virtually on the Internet. You should follow these in addition to normal rules of behavior for a classroom setting. Being polite and respectful to others is not only common sense, it is absolutely required for a productive and supportive online environment.. Remember, you are dealing with real people in your virtual classroom. In a positive online environment, you will feel valued by your instructor, valued by your classmates and your own work will have greater value as well.

1. Adhere to the same standards of behavior online that you follow in real life and in a real classroom.
2. Know where you are in cyberspace, and understand that many people will view what you type.
3. Make yourself look good on-line by expressing yourself clearly and respecting the views of others.
4. Share expert knowledge rather than "keeping it to yourself." And share this knowledge with respect rather than using it to put others down.
5. Be sure to spend time reviewing your messages before posting to be sure that they are clearly written.
6. Use proper and respectful language and refrain from any off-color jokes, insults, or threats.

7. Challenge ideas rather than the students who offer the ideas. When you challenge an idea, do so respectfully and with the goal of increasing everyone's knowledge.

For further information on net etiquette, please follow this link: [http://mytsu.tnstate.edu/cp/tag.64f9b716b8bf5c04.render.userLayoutRootNode.uP?uP\\_root=root&uP\\_sparam=activeTab&activeTab=u480411s30&uP\\_tparam=frm&frm=](http://mytsu.tnstate.edu/cp/tag.64f9b716b8bf5c04.render.userLayoutRootNode.uP?uP_root=root&uP_sparam=activeTab&activeTab=u480411s30&uP_tparam=frm&frm=)

**A note on online discussions:** Unlike face to face discussions in class, the last person does not necessarily have the “last say.” With online classes, the later you join the discussion, the greater the chances are that what you want to contribute has already been discussed, making it more difficult for you to add constructively to the discussion.

### **Academic Integrity**

Tennessee State University expects all students to conduct themselves with honesty and integrity. This means that you will not cheat and you will not help others in doing so. Whenever you submit as your own work that which originates from another, you commit a serious violation of academic integrity known as plagiarism.

The Department reserves the right to discipline students for cheating, plagiarism, fabrication, violation of University rules and otherwise contributing to academic misconduct. As the instructor, I will attach severe penalties to any cheating or plagiarism I discover: this includes assigning a grade of “F” for the course and placing a letter in your student file about the incident. You can be accused of plagiarism after you have completed a course, so you should *never* pass your papers on for others to use. Remember: a student who provides answers or a paper for another to use is just as guilty of cheating as the user. Consequently, if I discover that your paper, or another similar to it, has been submitted by another student in another class, you can be found guilty of plagiarism.

Acts of plagiarism warrant special mention. Students are especially warned against ([file:///E:/PADM%206950/redirect.aspx%3fC=084c804e2fc64eaeafde32b468511ae&URL=http://www.tnstate.edu/11p/promoting\\_academic\\_integrity.htm](file:///E:/PADM%206950/redirect.aspx%3fC=084c804e2fc64eaeafde32b468511ae&URL=http://www.tnstate.edu/11p/promoting_academic_integrity.htm), p. 2):

- 1) Copying the work of others on tests or assignments;
- 2) Copying without quotation marks and appropriate documentation from original sources;
- 3) Paraphrasing factors or ideas of an author without appropriate citation.

For information on proper form as well as what not to do, one good place to begin is: [www.georgetown.edu/honor/plagiarism.html](http://www.georgetown.edu/honor/plagiarism.html) This homepage contains a dazzling array of rationales for why plagiarism is not only dishonest, unprofessional and in some cases, prosecutable. Please pay special to the section on “Examples of Plagiarism” Avoid these! The *TSU Undergraduate Catalogue* section on “Academic Misconduct” As the *TSU Student Handbook* makes clear (see p. 16), penalties for plagiarism and other academic dishonesty range from a zero on the assignment to failure in the class.

### **Attendance Policy**

Class attendance and online participation is mandatory. Attendance and participation will be recorded for each module. Please notify the instructor if you expect to be unable to

participate in a module for an unanticipated reason. University policy requires that students who do not regularly attend class or stop attending class will be assigned a final grade of “F” or “W” (unofficial withdrawal). If a student misses a class, he/she is responsible for getting the notes, announcements, and assignments from another classmate. Students are expected to follow all school rules regarding tobacco, firearms, language and behavior, and in all other matters. Beepers and cell phones should be turned off during class time

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- All students are expected to participate in discussions.
- Professional and respectful classroom conduct is expected of all students. Late arrivals, leaving early, or whispering, beepers, cell phones in class are distracting and unprofessional
- No make-up exams will be given unless exceptional extenuating circumstances can be proven.
- No extensions in time will be granted for completing assignments.

#### **Accommodations for Students with Disabilities**

If you believe you need special accommodations to conduct your classwork, contact Ms. Patricia Scudder, Director of Students with Disabilities, Disabled Student Services office, at 615 963-7400, preferably before the fourth class meeting. The Department of Public Administration, in conjunction with the Office of Disabled Student Services, makes reasonable accommodations for qualified students with medically documented disabilities. The instructor must be aware of your status if it will affect your class activities and assignments *before* assignments are due.

### **COURSE SCHEDULE (Subject to Change)**

Reading: **The delegation of powers and administrative discretion**  
Pierce, Ch 1, 2  
Harrington & Carter, Ch 1

Reading: **The Origins & Constitutional Context of Administrative Law**  
Harrington & Carter, Ch 2, 3

Reading: **Agency Authority, Adjudication & Discretion**  
Pierce, Ch 3  
Harrington & Carter, Ch 4

Assignment 1: “Administrative decision making should be as closely circumscribed as practically possible to avoid abuse of discretion.”



**Formal & Informal Administration & Rulemaking**

Reading: Pierce, Ch 5, 6  
Harrington & Carter, Ch 6

**Administrative Reviews & Hearings**

Reading: Harrington & Carter, Ch 7  
Possible guest Lecture Judge Thomas Stovall?

**Rulemaking**

Reading: Pierce, Ch 4  
Harrington & Carter, Ch 8  
Possible Guest Lecture: Donna Tidwell, Esq.

Assignment 2: "Rulemaking may actually undermine rather than enhance democracy t."

**MID TERM EXAM**

**Structuring Administrative Discretion**

Reading: Pierce Ch 10, 11  
Harrington & Carter, Ch 9

**Judicial Review of Administrative Actions**

Reading: Pierce Ch 7, 8  
Harrington & Carter, Ch 10

Assignment 3: "Courts have significant leverage in how they treat an agency's interpretation of what a statute means."

**Standing for Review**

Reading: Pierce Ch 9

**Administrative Ethics & Open Government**

Reading: Pierce, Ch 12  
West. "Structuring Administrative Discretion: The Pursuit of Responsiveness and Responsibility." See <http://0-www.jstor.org.sultan.tnstate.edu/stable/pdfplus/2110876.pdf>  
Phillip Jos. "The Nature and limits of the Whistleblowers Contribution to Administrative Responsibility". [http://0-ft.csa.com.sultan.tnstate.edu/ids70/resolver.php?sessid=82951nle4n8tjm84fgu68ijvj5&server=csaweb103v.csa.com&check=135f435ca0ab7cbf11966e7162301042&db=sagepol-set-c&key=0275-0740%2F10.1177\\_027507409102100202&mode=pdf](http://0-ft.csa.com.sultan.tnstate.edu/ids70/resolver.php?sessid=82951nle4n8tjm84fgu68ijvj5&server=csaweb103v.csa.com&check=135f435ca0ab7cbf11966e7162301042&db=sagepol-set-c&key=0275-0740%2F10.1177_027507409102100202&mode=pdf)

Assignment 4: “Whistleblower law in the state of Tennessee offers strong protection for state employers who blow the whistle on unethical behavior.”

**Personal Liability, Responsibility & Immunity**

Reading: Pierce, Ch 13, 14  
Harrington & Carter, Ch. 11

**Public Employment Law**

Reading: Harrington & Carter, Ch. 13  
Discussion: Public employees in the state of Tennessee enjoy strong due process rights when they are fired or discipline compared to the State of Kentucky.

**Licensing**

Reading: Harrington & Carter, Ch 12

**Current Debates in Administrative Law**

Reading: Harrington & Carter, Ch. 14

May 4 **FINAL EXAM**