EMPA-POLS 733 SYLLABUS—SPRING 2019

Instructor Information
Name: Steve Wise, Administrative Law Judge
Email: Desire2Learn internal email (preferred) or Steve.Wise@usd.edu
Office hours: Fridays, 4 p.m. to 6 p.m. Central time
Phone: 515-473-2533

Course Information
Course: EMPA-POLS 733 ADMINISTRATIVE LAW AND GOVERNMENT
Course dates: Monday, January 7, 2019, through Sunday, April 28, 2019
Online Course URL: http://d2l.sdbor.edu

Course Goals and Objectives
Course Goals: This course’s overall goal is to equip you with the knowledge and tools necessary to understand the administrative process and how the law controls that process and administrative agencies as they make decisions that affect all of us.

Course Objectives: After completing this course, you will be able to:

1. Explain the development of administrative law and the relationship of bureaucracy and democracy and why administrative law is important in our everyday lives.
2. Assess how administrators operate in the Constitutional order that divides and separates power.
3. Understand the concepts of statutory authority, the APA, and the delegation doctrine.
4. Analyze when and how the constitutional guarantees of due process and equal protection protect citizens from adverse government action.
5. Grasp how discretion and informal actions are the lifeblood of the administrative process and how balancing the rule of law and discretion is a central theme of administrative law.
6. Comprehend the limits that the constitution and statutes place on the investigative powers of administrative agencies.
7. Know their rights as citizens to obtain information from the government and prevent the disclosure of private information.
8. Analyze how administrative agencies authorize their decision in relation to making rules and issuing orders.
9. Distinguish between rulemaking, adjudication, and judicial review to evaluate how administrators are checked and balanced.
10. Understand how agencies act like legislatures through the rulemaking process and the steps in promulgating rules.
11. Recognize that agencies act like courts in the formal adjudication process and limits place on that process by the constitution, statutes, and rules.
12. Appreciate the value of alternative dispute resolution and its use in administrative law.
13. Explain how courts have an essential role in legitimizing the administrative process through judicial review of administrative actions.
14. Realize that the courts can also make government and its officials accountable for their actions when they are sued for money damages and other relief.
15. Demonstrate your knowledge of all of these objectives and your critical thinking abilities, collaborative skills, and inquisitiveness as you accomplish the tasks and participate in the course activities.
Textbook

Presentations and Lesson Materials
For each week’s lesson, I’ve prepared a PowerPoint presentation that covers the material for week—it is my best effort to provide the best explanations possible about the topics and issues for each lesson, which sometimes involve difficult concepts. Reviewing the presentations is essential to get the most out of this course. You can find these lesson presentations on the course website Desire2Learn. They are on the Content menu under the Unit 1-Course Content and Related Materials section. You are also required to review all the materials posted under each Lesson in D2L.

Problems, and Participation
At the end of each chapter in the Hall text, there are Critical Thinking and Applications Problems. You should read and think about all the Problems, and post a response on the discussion board to the Problems listed on the course outline for each chapter. These Assignments are always due at the end of the week on Saturday by 10 p.m. Central Time

Collaborative Activities
Because of my background, I blend the practical with the theoretical. You will be involved in a number of collaborative activities throughout the course to give you hands-on experience in administrative law. You will participate in the following activities, with the dates of such activities set forth in the course outline below.

EMPA- POLS 733 Administrative Law Wiki Site:
The class will build a Wiki Site for the course. (Wiki is a website that allows users to easily add, remove, or otherwise edit content on a web page). You will sign up to create a resource and study aid page for one of the course lessons set forth in the course outline below (from Lessons 2 through 12). The Wiki Site is found at http://pols733.editme.com/. The Wiki site will not be open for signing up until January 21. The deadline for completing the Wiki page is April 22, but you should start early to avoid the end-of-the-year crunch.

Discussion Small Group Activities
5. Week of March 17: Rulemaking Simulation. Materials found at Lesson 8.e.

Tests
You’ll have four tests—a midterm essay test and objective test and a final essay test and objective test. The starting dates for the objective tests and the due dates for the essay tests are: March 11 (midterms) and April 26 (finals). The objective tests are timed 90-minute online tests that must be completed in the scheduled time, but are open-book and open-note tests.
**Grading**

1. Each test is worth 100 points toward your final grade.
2. Your Wiki page is worth 45 points toward your final grade.

Grading Rubric for Wiki page

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Points Possible</th>
<th>Points Earned</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clearly Written Content</td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Collection of Resources</td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Page Organization</td>
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</tr>
<tr>
<td>Total</td>
<td>45</td>
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</tbody>
</table>

3. Excellent discussion board participation and participation other assigned collaborative activities is worth 45 points toward your final grade.

Grading Rubric for Discussion and Collaborative Activities

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Points Possible</th>
<th>Points Earned</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clearly Written</td>
<td>15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Persuasively Argued</td>
<td>15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supported by Authority</td>
<td>15</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. Submitting all the required written case briefs in a satisfactory form is worth 10 points toward your final grade

**Final grade** is based on the following point scale (Total 500 points):

- 500-450 = A; 449-400 = B; 399-350 = C; 349-300 = D; 299 and below = F
- 100-90% = A; 89-80% = B; 79-70% = C; 69-60% = D; 59% and below = F

**Time Lines:** Any test or assignment not done on time where you have not contacted me in advance and obtained an extension or alternative due date will receive a failing grade. Unless otherwise stated, assignments and tests will be graded and grades posted within a week of submission and I will respond to student emails or phone calls within 2 days.

**Academic Integrity**

USD considers plagiarism, cheating, and other forms of academic dishonesty inimical to the objectives of higher education. USD supports the imposition of penalties on students who have been determined to have engaged in academic dishonesty, as defined in the “Conduct” section of the USD Student Handbook.

No credit can be given for a dishonest assignment. A student found to have engaged in any form of academic dishonesty may—based on the seriousness of the conduct and the discretion of the instructor—be:

1. Given a zero for that assignment.
2. Allowed to rewrite and resubmit the assignment for credit.
3. Assigned a reduced grade for the course.
4. Dropped from the course.
5. Failed in the course.
Freedom in Learning
Under Board of Regents and USD policy student academic performance may be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards. Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled. Students who believe that an academic evaluation reflects prejudiced or capricious consideration of student opinions or conduct unrelated to academic standards should contact the dean of the college or school that offers the class to initiate a review of the evaluation.

Diversity and Inclusive Excellence
USD strives to foster a globally inclusive learning environment where opportunities are provided for diversity to be recognized and respected. To learn more about USD’s diversity and inclusiveness initiatives, please visit the website for the Office of Diversity. http://www.usd.edu/diversity-and-inclusiveness/office-for-diversity

Accommodations
Students who feel they may need academic accommodations or access accommodations based on a documented disability should contact and register with Disability Services during the first week of class or as soon as possible after a diagnosis of a disability. Disability Services is the official office to assist students through the process of disability verification and coordination of appropriate and reasonable accommodations. Students currently registered with Disability Services must obtain a new accommodation memo each semester.

For information contact:
Disability Services
Room 119B, Service Center North
(605) 677-6389
http://usd.edu/disabilityservices; disabilityservices@usd.edu

Important Dates—Spring Semester 2019
Classes Begin—Monday, January 7
Last Day to Drop Classes with a Refund—Wednesday, January 16
Midterm—Monday, March 11
Last Day to Drop a full term Course with a "W"—Monday, April 1
Semester Officially Ends—Friday, May 3
COURSE OUTLINE INFORMATION

Hall" refers to Daniel Hall, ADMINISTRATIVE LAW (6th ed. 2015)

Introduction - Week of January 7
Log on to Desire2Learn and review the website, read the Welcome letter, review the Syllabus and become familiar with the course requirements, and read the preface for the textbook.

First Week Assignments: Go to the Discussions area and click on the Arbitrary and Capricious Coffee Shop. Go to the Introductions topic and post an introduction for yourself and supply one item of information that you have learned through an internet search of my name (it doesn’t have to be something you are sure is for me). Also, there will be an email from me in your course mail inbox—please reply.

Lesson 1: Why Administrative Law Matters - Week of January 13
Readings: Hall: Chapter 1: pp. 1-15
Lesson 1 Presentation and any related materials under Lesson 1 on the D2L content menu.
Assignments: Hall: Chapter 1, Problem 1, 2 (these Assignments are always due on Saturday by 10 p.m. Central Time—for example this assignment is due January 19)

Lesson 2: Bureaucracy and Democracy - Week of January 20
Readings: Hall: Chapter 2: pp. 16-52
Lesson 2 Presentation and any related materials under Lesson 2 on the D2L content menu.
Assignments: Hall: Chapter 2, Problems 1, 2, 3
Prepare and submit a case brief for US v. Morrison case (Hall pp. 21-22). Send the case brief to me using the Desire2Learn Drop Box by 10 p.m. on January 26.
Small Group Assignment—On January 26, I will post the discussion groups and members. Find out your discussion group by clicking on Group Membership under the item “Unit 2 Communication Tools” in the Table of Contents. Each small group has an area under Discussions with your small group discussion assignments. Under the “Small Group Meeting Place” topic listed with your group name (i.e. Chevron, Goldberg, Mathews, Overton Park, Sierra Club, or Vermont Yankee), post your best days and times for chat sessions based on your current schedule.

Lesson 3: Delegation and Statutory Authority of Agencies - Week of January 27
Readings: Hall: Chapter 5: pp. 114-142
Lesson 3 Presentation and any related materials under Lesson 3 on the D2L content menu.
Assignments: Hall: Chapter 5, Problem 2 (answer questions 4, 5, 6 under this Problem)
Small Group Activity—Statutory Interpretation discussion. Materials found at Lesson 3.c (postings for these Activities are always due on Saturday by 10 p.m. Central)

Lesson 4: Due Process and Fairness - Week of February 3
Readings: Hall: Chapter 4: pp. 69-113
Lesson 4 Presentation and any related materials under Lesson 4 on the D2L content menu.
Assignments: Prepare and submit case briefs for the Goldberg v. Kelly (Lesson 4.c, do not use the edited case in the book to do this brief) and Matheus v. Eldridge cases (Lesson 4.d). Send the briefs to me using the Desire2Learn Drop Box by 10 p.m. on February 9.
Small Group Activity—Rights vs. Utility discussion questions. Materials found at Lesson 4.e.

Lesson 5: Informal Action and Discretion - Week of February 10
Readings: Hall: Chapter 3: pp. 44-60
Lesson 5 Presentation and any related materials under Lesson 5 on the D2L content menu.
Assignments: Hall: Chapter 3, Problems 1, 2
Small Group Activity—Law vs. Discretion discussion questions. Materials found at Lesson 5.c.
Lesson 6: Agency Investigations and Information Collection - Week of February 17
**Readings:** Hall: Chapter 7: pp. 175-207
Lesson 6 Presentation and any related materials under Lesson 6 on the D2L content menu.
**Assignments:** Hall: Chapter 7, Problems 5
**Small Group Activity**—Freeman vs. Blair Oral Argument. Materials found at Lesson 6.e

Lesson 7: Accountability through Public Access to Information - Week of February 24
**Readings:** Hall: Chapter 10: pp. 302-336
Lesson 7 Presentation and any related materials under Lesson 7 on the D2L content menu.
**Assignments:** Hall: Chapter 10, Problem 1

**MIDTERM ESSAY TEST AND MIDTERM OBJECTIVE TEST**—The midterm essay test will be available on March 1 and is due March 11. The midterm objective test is available to be taken from March 11 to 13.

Lesson 8: Rulemaking Process - Week of March 17
**Readings:** Hall: Chapter 6: pp. 143-174; Appendix B, p. 418 (APA § 553)
Lesson 8 Presentation and any related materials under Lesson 8 on the D2L content menu.
**Assignments:** Hall: Chapter 6, Problems 1, 2
**Small Group Activity**—Rulemaking Simulation. Materials found at Lesson 8.e.

Lesson 9: Formal Adjudication Process - Week of March 24
**Readings:** Hall: Chapter 8: pp. 208-242; Appendix B, pp. 419-422 (APA §§ 554-557)
Lesson 9 Presentation and any related materials under Lesson 9 on the D2L content menu.
**Assignments:**
**Small Group Activity**—Adjudication Simulation. Materials found at Lesson 9.e.

Lesson 10: Alternative Processes - Week of March 31
**Readings:** Hall: Chapter 3: § 3.4(g), p. 67; Chapter 6, § 6.5(e), p. 165
Lesson 10 Presentation and any related materials under Lesson 10 on the D2L content menu.

Lesson 11: Accountability through Judicial Review – Week of April 7
**Readings:** Hall: Chapter 9: pp. 243-301; Appendix B, pp. 423-425 (APA §§ 701-706)
Lesson 11 Presentation and any related materials under Lesson 11 on the D2L content menu.
**Assignments:** Hall: Chapter 9, Problems 1, 2

Lesson 12: Accountability through Liability - Week of April 14
**Readings:** Hall: Chapter 11: pp. 337-384
Lesson 12 Presentation and any related materials under Lesson 12 on the D2L content menu.
**Assignments:** Hall: Chapter 11, Problems 1, 2, 3, 4

**WIKI PAGE DUE DATE**—April 21

Lesson 13: Principles and Policies in Administrative Law - Week of April 21
**Readings:** Lesson 13 Presentation and any related materials under Lesson 13 on the D2L content menu.

**FINAL ESSAY TEST DUE DATE AND FINAL OBJECTIVE TEST**—The final essay test will be available on April 16 and is due April 26. The final objective test is available to be taken from April 26 to April 28.