

POL SCI 452
ADMINISTRATIVE LAW (U/G)

****Online Edition****

University of Wisconsin-Milwaukee
(Spring 2022)

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Course Description

Courses in American politics often highlight the important role played by administrative agencies in the regulatory process. Much of their power, of course, is exercised through rulemaking and adjudication. In this class, we will explore various legal rules and doctrines that have emerged to structure the processes by which agency decisions/actions are to be developed and reviewed. Attention will also be paid to the larger political context in which agencies operate.

Required Textbook

Harrington, Christine B., and Lief H. Carter. 2015. *Administrative Law & Politics: Cases and Comments*. Fifth Edition. Los Angeles, CA: CQ Press. ISBN-13: 978-1452240404 (hereafter, H&C).

Prerequisite

Junior or senior status

CLASS REQUIREMENTS AND POLICIES

U/G Course

This is a U/G course. This syllabus pertains to the requirements and grade allocations for those students taking this course for undergraduate credit. If you are a graduate student taking this course for graduate-level credit, you must identify yourself to the instructor and obtain a separate graduate-level syllabus addendum in a timely manner. It will include additional course requirements and graduate-level grade allocations.

Panther Community Health and Safety Standards

UWM has implemented reasonable health and safety protocols, taking into account recommendations by local, state and national public health authorities, in response to the COVID-19 pandemic. As a member of our campus community, you are expected to abide by the Panther [Interim COVID-Related Health & Safety Policy](#), which was developed in accordance with public health guidelines. These

standards apply to anyone who is physically present on campus, UWM grounds, or participating in a UWM-sponsored activity:

- All individuals visiting UWM facilities must wear face coverings while indoors;
- Unvaccinated students coming to campus are required to test weekly for COVID-19; and,
- You should check daily for COVID-19 symptoms and not come to campus if you are feeling sick.

Additional details about student and employee expectations can be found on the [UWM COVID-19 webpage](#).

General Class Conduct

It is imperative that you always maintain a professional tone in all online postings and in all online sessions. When responding to a discussion question, please keep your response in line with the question being asked. You should feel free to challenge the ideas expressed by those in the class, but discussion forums and Zoom sessions (both described below) are not venues for personal attacks and non-scholarly commentary. The purpose of any online forums or any online session/meeting in this course is to facilitate the discussion of **jurisprudential and scholarly content only!** Please take the time necessary to convey your ideas in a respectful and thoughtful manner and include only scholarly content in any online content you share in this course.

It is your responsibility to abide by the rules in the UWM Student Handbook. They should be followed with respect to all activities associated with this class, including online discussions, forums, and e-mail correspondence.

Online Class Structure, Canvas, E-Mail Communication

This is an online course, which will be administered via Canvas. The official time zone utilized to assess whether assignments, quizzes, and exams are submitted on time is the Central Time Zone. Please pay careful attention to the deadlines for the assignments and the designated time periods for course exams/quizzes.

In addition, all students in this course are expected to check our course Canvas site as well as their UWM e-mail accounts on a daily basis for important messages and updates regarding this class. This should be done until your final grade is posted on PAWS. Please note that students should use their UWM e-mail accounts for all (e-mailed) correspondence regarding this class. I will only utilize your UWM e-mail address when responding to student inquiries or when sending class announcements via e-mail.

Assigned Reading, Other Online Content, Zoom Class Sessions

Our class will largely center on the assigned reading of court cases and associated material from the H&C textbook. As noted below, I have assigned reading for most weeks of the semester. Throughout the semester, I will also post or provide PowerPoint presentations, and/or other forms of audio/video/written class content to highlight important themes, issues, and concepts associated with that week's unit.

Pending sufficient student interest, I anticipate scheduling Zoom meetings/class sessions in select weeks with members of the class to review concepts or cases. As this course does not have a specific meeting time, participation in these particular sessions, if applicable and when held, is optional. However, if held, these sessions will be recorded and will be available for later listening/viewing. Notice of an upcoming Zoom class session will be disclosed on the course announcements page either in a separate announcement or as part of a weekly announcement.

Recording Notice and Consent

When applicable, any online class sessions (held via Zoom) will be audio and visually recorded and posted for students who are unable to participate or observe when such sessions are scheduled. Students who participate with their camera engaged or who utilize a profile image are agreeing to have their audio/video or image recorded in any online class session or class activity. Likewise, students who un-mute during an online session and participate orally are agreeing to have their voices recorded.

Discussion Essays

In select weeks (please see schedule below), I will post a discussion question on our Canvas course page. Each student will be required to respond directly to the question that I pose during these weeks (“discussion essays”).

In this process, I expect you to seriously engage the assigned reading and to develop thoughtful remarks to the questions I pose. These are essay assignments and, as such, they should be carefully crafted, well developed with a clear thesis statement, organized, and appropriately cited. Your responses should be approximately two paragraphs (single-spaced) and should clearly indicate that you have read and thought about the assigned reading.

These essays will be assigned one of four grades (0, 50, 75, or 100%). In order to receive a 100%, you must submit a thoughtful response that thoroughly answers all parts of the question, is free of major grammatical and spelling errors, is of a scholarly nature with a highly professional tone and does not veer from the topic of the question posed. Simple bullet point posts will not suffice for this purpose. Further, your writing should be free of any online jargon, abbreviated words, and contractions. Any reference to the assigned or outside reading must be properly cited with in-text parenthetical citations (and include quotation marks, if necessary), and you should include a works cited list. If your post contains multiple writing problems (organizational and/or grammatical), does not directly answer the question or all parts of the question, is not adequately developed, and/or does not have a scholarly tone, it will not receive more than an “average” grade (i.e., a 75). Please do not post your response as an attachment. It is your responsibility to ensure your essays are successfully posted and viewable.

Discussion essays must be posted to the applicable discussion forum no later than **Friday at 11:59 pm** of the relevant week of the discussion. For example, your response to Week 3’s discussion question must be posted no later than **Friday, February 11 (by 11:59 pm)**. You should submit only one direct response to my discussion question for grading purposes each week (if you submit more than one, the first response will be graded). Late responses (even by one minute) to discussion questions will be assigned a grade of zero.

Please note that once you submit a post in the forum, you will *not* be able to edit it. Please utilize a word processing system for writing your post, proofread and edit your post, and then copy and paste it into the forum.

Quizzes

In select weeks (please see schedule below), students will be required to take quizzes. These will be very short quizzes (10 questions) over the reading associated with select weeks of class (please see the schedule for material that could end up on a given quiz). The questions will be multiple choice and true/false, and the quizzes will be conducted via Canvas in a timed setting.

Once you begin a quiz, you will have to complete it within the time limit (10 minutes). Thus, it is your responsibility to ensure that you have a stable Internet connection, a functional computer, and a proper testing environment before you begin a quiz. In addition, while Canvas does include a countdown clock, all students assume responsibility to employ a separate countdown timer while taking online quizzes in this course to ensure knowledge of time remaining on the quiz. Note that Canvas quiz logs, which are viewable by the instructor, will be the governing feature to determine whether a student was given sufficient time and submitted their quiz within the time limit.

While collaboration with other students or individuals is strictly prohibited on quizzes, I will permit students to consult their notes or the assigned reading/content when taking quizzes (exams, however, are to be treated as closed book/note/source). Note that students who rely on notes while taking course quizzes may run out of time, so please prepare for these quizzes accordingly. In addition, students will be given two opportunities to take a quiz within the quiz period. I will count the higher of the two attempt scores in the calculation of student grades for that quiz. When applicable, quizzes will be available by Monday evening. Students will need to finish and submit their quizzes by 11:59 pm on Friday.

Exams

There will be two exams in this course. Exam material will be drawn from the assigned reading, other assigned content, and any material presented, posted, linked, or referenced via our Canvas course site. The exams will only include essay questions. Please note that the final exam will not be cumulative in nature. It will emphasize material covered since the midterm examination.

Collaboration or discussing the contents of the exams with other students or individuals is strictly prohibited on both exams in this course. In addition, under no circumstances are you to copy or distribute any exam question or portion thereof at any time, including in the future. Students are prohibiting from consulting their notes, book, or any other sources (electronic or print) while completing these exams. Course exams will be proctored via Proctorio software.

The midterm exam will be available online beginning **Monday, March 14 at 12:00 am until Tuesday, March 15 at 11:59 pm**. You may start the exam at any time within this window. Once you start the exam, however, the clock counts down, and you will need to submit your exam within the time limit (1.5 hours) and before the test window closes.

The final exam will be available online beginning **Monday, May 16 at 12:00 am until Tuesday, May 17 at 11:59 pm**. You may start the exam at any time within this window. Once you start the exam, however, the clock counts down, and you will need to submit your exam within the time limit (1.5 hours) and before the test window closes.

Once you begin an exam, you will have to complete it within the time limit. Thus, it is your responsibility to ensure that you have a stable Internet connection, a functional computer, and a proper testing environment before you begin an exam. You should not take these online exams using a mobile device. In addition, while Canvas does include a countdown clock, students assume responsibility to employ a separate countdown timer while taking online exams in this course to ensure knowledge of time remaining on the exam. I do have access to exam logs that provide an accurate accounting of time spent on a given exam. This log will be the governing feature to determine whether a student was given sufficient time and submitted their exam within the time limit.

Legal Research Assignment

A legal research assignment will be posted on our Canvas site by February 7 and will be due to Canvas by **Friday, February 18 at 11:59 pm.**

Case Analysis

Each student will be required to provide one written analysis of a select case in administrative law. As part of this assignment, students will need to consult written materials surrounding the case (e.g., news/law review articles, legal blogs, majority/separate opinions etc.) **and** will also need to listen to or read the transcript of an actual Supreme Court oral argument. The instructor will develop a list of eligible case options for this purpose and will post that list on the Canvas site. Students will need to construct a three-to-four page analysis, where they identify the major legal issues in the case, discuss key arguments on both sides of the case, discuss the majority opinion and its broader significance with respect to American politics, public policy, and/or administrative law doctrine etc., and offer up their own analysis of the proceedings (i.e. impressions of the oral arguments). Further details on the assignment will be posted on our Canvas site by mid-February. Case analyses should be uploaded to Canvas no later than **Friday, April 8 at 11:59 pm.**

Grades (Undergraduate Students Only*)

Midterm exam	20%
Final exam	20%
Discussion essays	20%
Quizzes	20%
Legal research assignment	10%
Case analysis	10%

Point Scale

A	93-100	C	73-76
A-	90-92	C-	70-72
B+	87-89	D+	67-69
B	83-86	D	63-66
B-	80-82	D-	60-62
C+	77-79	F	...-59

Difficulty with the Course & Curving Policy

Please seek assistance directly from the course professor if you are having difficulties with the course material or have substantive questions over the reading etc. I reserve the right to curve any components of the course and/or overall course grades but doing so will be at my discretion. Therefore, there is no guarantee that any curves will be applied.

Time Allocation

This is a three-credit hour class. Students, on average, should expect to spend nine hours a week on activities related to POL SCI 452.

Grading Concerns

Unless otherwise directed, if you have questions or concerns regarding the grading of an assignment or exam, please contact the TA within one week of receiving the grade. If you are not satisfied with the TA’s response, please contact the instructor in a timely manner (i.e., within one week). You may

request a re-grade of any assignment or exam in this course; however, the instructor retains the right to raise or lower grades upon review. Please allow 7-10 days for turnaround time on all assignments and exams.

Academic Misconduct and Collaboration Warning

I do not tolerate acts of plagiarism or any forms of cheating. If I suspect a case of academic misconduct, I will follow the academic misconduct and reporting policies of the University of Wisconsin-Milwaukee. Collaboration with class peers or other individuals is not permitted on any assignment, quiz, or exam for this course. It will be regarded as academic misconduct. The distribution of exam, quiz, or assignment questions can undermine the integrity of the online course and, thus, I consider such actions to be a form of academic misconduct as well. If you ever have questions on a quiz or exam question, you should consult with the instructor.

Late Policies, Extension Requests, Exam Make-Up Policy, Quiz & Discussion Essay Drops

Quizzes, when scheduled, are designed to help keep students on track with their reading in this course and, thus, it is my general policy not to accept late quizzes for credit. However, I will drop each student's one (1) lowest quiz grade, which might be a zero. In addition, if you provide a legitimate reason (as determined by the instructor) and contact me before the quiz period expires, I will consider a due date extension (within 2-5 days of the original due date, if possible). If a student opens up a given quiz, however, a make-up opportunity cannot be provided on that quiz. Once you begin a quiz, you must complete and submit the quiz at that time.

My general policy is not to accept late discussion essays for credit, even if the submission is late by one minute! Late essay posts will be assigned a grade of zero. To avoid this scenario, do not wait until the last day to work on this assignment, and do not wait until the final minutes to upload/post your assignment. If you do wait until the final moments to do this, and Canvas time stamps it after the due date, it is late (and will be assigned a zero). However, I will drop each student's one (1) lowest discussion essay grade, which might be a zero. In addition, I will consider extensions on discussion post assignments if the student emails me before the assignment deadline, provides a legitimate reason (as determined by the instructor) for needing an extension, and states a reasonable time in which the post is to be uploaded given the student's circumstances (this should be within 2-5 days of the original due date, if possible).

Students must submit their legal research assignments and case analyses by the dates noted on the syllabus. I will consider an extension on these assignments without late penalty if the student emails me before the assignment deadline, provides a legitimate reason (per the instructor) for a late submission, and provides a plan for timely completion (within 2-5 days, if possible). If students do not follow the notification protocol and/or are not eligible for an extension, I will accept late legal research assignments and case analyses for possible credit, but I will apply a ten-percentage point deduction for each day the assignments are late, including weekends.

Timely completion of course exams is essential in this class. Making sure you are ready for each exam is necessary for keeping you on track in this course, and the grade you receive on the midterm, in particular, is very important feedback for you as a student. It is with this in mind, that my general policy is not to permit an opportunity for a make-up exam unless the student contacts me before the exam period ends with a legitimate reason (as determined by the instructor) for seeking a make-up opportunity. In addition, the make-up exam will need to be scheduled in a timely manner (within 2-5 days, if possible). If a student opens a given exam, a make-up opportunity cannot be provided on that exam. Once you begin an exam, you must complete and submit the exam at that time.

Technical Support

I am not able to provide students with technical support. Please contact the UWM Help Desk at (414) 229-4040 or helpdesk@uwm.edu, if you run into any difficulties accessing/utilizing Canvas. Please do, however, also immediately notify me of any technical issues you encounter while taking this online course, including while taking an exam or quiz. You are advised to fully document your issues!

Student PC/Internet Responsibility & Assignment/Response Submission Responsibility

It is the student's responsibility to ensure they have access to a functional PC and secure Internet connection for the duration of this online course. In order to minimize problems, students should give themselves plenty of time to submit assignments, quizzes, and exams (i.e., do not wait until the final hours or minutes to upload an assignment or take/submit a quiz or exam). Make every effort to get your work in well before the deadline, so that you can get technical support from appropriate sources, if needed! **Always electronically back up important class materials and assignments so that you can access and submit them from a secondary device (e.g., a phone)!**

It is the student's responsibility to ensure they have successfully submitted and uploaded correct and intended assignments to the course Canvas site, and it is the student's responsibility to ensure their intended responses are successfully posted/saved to a discussion forum, quiz, or exam. If a student fails to submit an intended document or fails to properly upload/post/save text or responses in this online course, that is the student's error, and the student assumes all grade consequences that arise from it regardless of when that error is recognized by either the instructor or the TA.

Dropping the Course & Incompletes

Each student should become familiar with all relevant drop deadlines (please see the UWM calendar for further details). An incomplete may be given to a student who is unable to complete the course requirements due to extenuating circumstances (e.g., illness, injury, family emergency, etc.).

Student Accommodations

If you will need accommodations in order to meet any of the requirements of this course, please contact the instructor as soon as possible. Students should also contact an Accessibility Resource Center (ARC) counselor on campus at (414) 229-6287.

Religious Accommodations

I will follow UWM's policy regarding the provision of religious accommodations. This policy can be found at: <https://www4.uwm.edu/secu/docs/other/S1.5.htm>

Military Service

Please see the following link regarding accommodations for students who are called for military service: <http://www4.uwm.edu/academics/military.cfm>

Changes to the Course Syllabus

In the event the instructor needs to modify the terms of this syllabus, a syllabus addendum or an updated syllabus will be posted on the Canvas course site.

COURSE SCHEDULE

READING ASSIGNMENTS, ASSIGNED CONTENT, AND TOPICS ARE SUBJECT TO CHANGE AND MAY INCLUDE ADDITIONS (CHANGES WILL BE POSTED ON CANVAS)

Week 1 (Beginning January 24): Introduction to the Study of Administrative Law I

Read Rosenbloom, David H. 2015, "What is Administrative Law?" In *Administrative Law for Public Managers*, Second Edition, New York, NY: Routledge, pgs. 1-17 (Canvas).

Review, "Introduction to Law & Legal Research," PowerPoint (Canvas).

****No quiz or discussion essay this week****

Week 2 (Beginning January 31): Introduction to the Study of Administrative Law II

Read H&C, pgs. 25-45.

Quiz #1 (covering reading assigned in weeks 1 and 2) to be submitted by Friday, February 4 at 11:59 pm.

Week 3 (Beginning February 7): Constitutional Issues, Delegation of Power, Separation of Powers I

Read H&C, pgs. 52-79.

Discussion essay due by Friday, February 11 at 11:59 pm.

Week 4 (Beginning February 14): Constitutional Issues, Delegation of Power, Separation of Powers II

TBA & Read H&C, pgs. 84-101.

Quiz #2 (covering reading assigned in weeks 3 and 4) to be submitted by Friday, February 18 at 11:59 pm.

Legal research assignment to be submitted by Friday, February 18 at 11:59 pm.

Week 5 (Beginning February 21): On Statutes: Scope and Agency Deference I

Read H&C, pgs. 101-113.

Discussion essay due by Friday, February 25 at 11:59 pm.

Week 6 (Beginning February 28): On Statutes: Scope and Agency Deference II

Read H&C, pgs. 113-140.

Quiz #3 (covering reading assigned in weeks 5 and 6) to be submitted by Friday, March 4 at 11:59 pm.

Week 7 (Beginning March 7): Agency Access to and Release of Information I

Read H&C, pgs. 141-161.

Discussion essay due by Friday, March 11 at 11:59 pm.

Week 8 (Beginning March 14): MIDTERM EXAM

The midterm exam will be available online beginning **Monday, March 14 at 12:00 am until Tuesday, March 15 at 11:59 pm**. You may start the exam at any time within this window. Once you start the exam, however, the clock counts down, and you will need to submit your exam within the time limit (1.5 hours) and before the test window closes.

Week 9 (Beginning March 21): SPRING BREAK

Week 10 (Beginning March 28): Agency Access to and Release of Information II

Read H&C, pgs. 161-183.

Discussion essay due by Friday, April 1 at 11:59 pm.

Week 11 (Beginning April 4): Agency Rule Making and Adjudication I

Read H&C, pgs. 184-203.

Case analysis to be submitted by Friday, April 8 at 11:59 pm.

Week 12 (Beginning April 11): Agency Rule Making and Adjudication II

Read H&C, pgs. 204-235.

Quiz #4 (Covering reading assigned in weeks 11 and 12) to be submitted by Friday, April 15 at 11:59 pm.

Week 13 (Beginning April 18): Agency Rule Making and Adjudication III

Read H&C, pgs. 252-283.

Discussion essay due by Friday, April 22 at 11:59 pm.

Week 14 (Beginning April 25): On Compliance: Enforcement Mechanisms and Challenges

Read H&C, pgs. 284-314.

Quiz #5 (Covering reading assigned in weeks 13 and 14) to be submitted by Friday, April 29 at 11:59 pm.

Week 15 (Beginning May 2): Judicial Review I

Read H&C, pgs. 315-335.

Discussion essay due by Friday, May 6 at 11:59 pm.

Week 16 (Beginning May 9): Judicial Review II

Read H&C, pgs. 335-359.

****No quiz or essay this week****

Week 17: Final Exam

The final exam will be available online beginning **Monday, May 16 at 12:00 am until Tuesday, May 17 at 11:59 pm**. You may start the exam at any time within this window. Once you start the exam, however, the clock counts down, and you will need to submit your exam within the time limit (1.5 hours) and before the test window closes.