

REQUIRED TEXTS

DeLeo, John D. Jr. 2008. *Administrative Law*. Clifton Park, NY: Cengage.
ISBN: 978-1-4018-5877-3 (Highly recommended but not required)

Articles and cases assigned on Blackboard

COURSE INFORMATION

This course examines the Constitutional and Political foundation of regulatory agencies in the United States. Administrative and Political concerns will be explored. Topics such as rulemaking, adjudication, the Administrative Procedure Act, Freedom of Information and Judicial Review will be covered. This is a course that is largely about process that comes after laws are enacted and less about the substance of the laws themselves, though that is often key to understanding the procedures involved.

By the completion of this class students should possess a significant awareness concerning the basis for administrative regulation as well as the political conflicts surrounding such processes. From this base of information and perspective students should be capable of informed analysis of current regulatory issues. Diversity of opinion about the role of regulatory policy will exist among the class participants. This diversity should be respected and valued.

CLASS FORMAT AND GRADING

A Note About the Mixed Mode Format

This course is a mixed mode course. That means that we do not meet for the full 3-credits' worth of time on campus. Instead, we will meet for half of that time—for an hour and fifteen minutes on Mondays from 5:30-6:45 pm. The rest of the time you will be spend outside of class working on a semester-long project, primarily using the internet. The project, described below, has you choosing a federal agency and creating a wiki page for that agency following a series of prompts that are keyed to the material throughout the semester.

The Group Wiki Project represents the online portion of this course that makes it a true “mixed mode” course with guided independent learning on a specific agency using our key topics. It is your responsibility to maintain deadlines for the project and all assignments. Reminders will not be given about the wiki project prompt deadlines and habitual lateness will result in a lowering of your grade.

Grading Overview

| | | | |
|-------------------------------------|----------------------|---------------|------------|
| Reaction Paper | 9/25/18 | 50 points | 50 |
| Case Study Assignments (2) | 10/23/18 11/27/18 | 2 @ 50 points | 100 |
| Group Wiki entries | Ongoing | 100 points | 100 |
| Federal Agency Funding Presentation | 12/10/18 | 100 points | 100 |
| Take Home Final Exam | 12/17/18 | 100 points | 100 |
| Participation | Ongoing | 50 points | 50 |
| TOTAL POINTS AVAILABLE | | | 500 |

You are expected to submit assignments on time by the date stated on this syllabus. All assignments in this course will be submitted on Blackboard and are due by 11:59 pm on the due date listed on the schedule. Unless otherwise stated, you will lose 5% of the points each day an assignment is late up to one week. No late assignments after one week.

ACCOMMODATIONS. Anyone in this course who might be entitled to accommodations due to a disability must register with Disability and Accessibility Support Services, located at 285 University Pavilion. They can be reached by phone at 810-762-3081. I will work with you to ensure that we can meet your needs in a variety of ways, but you must register first and then come talk to me to make sure we're on the same page with how to get that done.

Assignments in Depth

There are three groupings of assignments:

1. PAPERS

- a. **Reaction Paper.** One of our first tasks in class will be watching (on your own) and discussing (as a class) the *Frontline* episode on supplements and the FDA. A link will be provided the week before we meet, and you **must** watch prior to class on 9/10/18 in order to participate in class discussion and be prepared for this paper.
- b. **Case Study Assignments (2).** These assignments will be given on the date we work on a case exercise in class. The task will be tailored to the readings for that case study as well as our discussion and exercises in class. These are shorter (~5 page) papers that help solidify your learning on a subset of topics for that unit.

2. GROUP WIKI/FEDERAL AGENCY FUNDING REPORT. The Group Wiki and the Federal Agency Funding Report and Presentation are all part of your semester-long project to learn a federal agency in-depth and determine its usefulness as an agency. This is a guided process and will be described in depth below and in subsequent documents as necessary. **This is NOT a group project**, but rather the wiki represents a group effort of the class to study the federal bureaucracy through several case studies. This also represents your "online" portion of the course for mixed mode purposes.

- a. **Group Wiki**—The Group Wiki is a project we will be working on throughout the semester online. In this project, you will select one agency for which you will be reporting back to the class. You will have a weekly prompt that will ask you to find out information about the agency and write up a brief (one page or less) summary as a response. By the end of the semester, the goal is to have a resource to demonstrate the variety of agency activity. Wiki responses are due the Sunday evening following that week's class. You will be graded twice during the course of the semester on your participation in this project. **Habitual lateness will lower your grade by up to 20%.**
- b. **Federal Agency Funding Presentation**—This project will have you advocating for an increase to your wiki agency's funding in Congress for the next fiscal year. Based on your in-depth look at this agency throughout the semester and the information you have learned in class, your job will be to write a report that addresses whether this agency is fulfilling its purpose as Congress intended and worthy of more funding, less funding, or the same amount of funding. More information on the format of this paper will be given out in October, but you are already doing the legwork for it now in the Group Wiki project. **NO LATE ASSIGNMENTS. Failure to turn in this assignment on time may lead to a failing grade.**

3. FINAL EXAM. Your final exam represents the culmination of your studies on the topic of administrative law. There will be two questions on the final exam. One will be the familiar format of the case study for our final case study on regulation. The other question will be more cumulative in nature. More information on this will be given out by the date designated on the syllabus. **NO LATE ASSIGNMENTS. Failure to turn in this assignment on time may lead to a failing grade.**

EXPECTATIONS

This is an upper level undergraduate and graduate level course. I expect work commensurate with the level of the course. That means that you should be prepared to engage in a not insignificant amount of reading and writing. Our time in the classroom will be spent highlighting key concepts and interacting with the material. I expect **all students** regardless of level of study to take personal responsibility for their work, including participation in class sessions. I am always available to meet during office hours or answer questions via email to help you meet the objectives of the course and your own academic and professional goals.

I do have some more specific expectations that you should know from the outset:

1. I expect you to **PARTICIPATE** and do so **RESPECTFULLY**. Believe it or not, we tend to cover topics that can be somewhat controversial. Your opinion is valid and you should feel free to share it as long as you do so respectfully and appropriately.
2. I expect you to be **ACADEMICALLY HONEST** and refrain from **PLAGIARISM**. Cheating and plagiarism are not tolerated and may lead to your failing this course. Plagiarism is the taking of credit for someone else's work or ideas, submitting a piece of work which is not entirely the student's own work without fully and accurately attributing those same portions to their correct source. If you are unsure whether something violates the University's policies or my policies on academic honesty, talk to me first. You will not be penalized for asking. The Group Wiki project presents a unique and somewhat difficult area for maintaining academic integrity. Make sure that you are citing anything that is not of your own creation.
3. I expect you to **MAINTAIN CONTACT VIA EMAIL** and **REGULARLY CHECK BLACKBOARD** for any addendums, news, class changes or cancellations and the like. I also expect that you are fluent enough in Blackboard that you can and shall submit all assignments through Blackboard. If you wish to email a *backup* copy, you may. However, I will be grading the Blackboard submission and failure to submit through Blackboard may result in your losing points or not having an assignment graded.

Likewise, there are things that you can and should expect from me, namely:

1. You can expect me to come to class prepared to discuss the scheduled material as well as current events that involve our material and subject matter.
 - a. If you want to stay up to date on current events relevant to this course, one way is to follow me on Twitter (**@profmcmanaway**). I do tend to follow back if I know it is a student.
2. You can expect me to make time for you outside of course in a reasonable manner upon request either in person or by email.
 - a. **Note about email responses:** give me at least 24 hours to respond. If you email me over the weekend, I may not reply until Monday. If you have not received a reply within four days, please re-send the email. There are times when emails get buried due to volume or because our email system is finicky. This helps me make sure that we're all on the same page.
3. You can expect me to make every effort to return assignments as soon as possible so you know where you stand in this course.
4. You can expect me to try my best to make this course interesting, relevant and worth your time.
5. You can expect me to answer your questions that I can about the course and relevant material and that if you have a question I cannot answer right away, to attempt to find an answer for you.

CAMPUS RESOURCES

While college can be a fun and exciting time in life, it can also have its fair share of ups and downs that make it more difficult. There are a variety of campus resources that may be able to help you if you're having a rough time. Please utilize these resources if you need them. That's what they're there for.

| Resource | Concern | Contact |
|---|--|---|
| Disability and Accessibility Support Services. | For help with accommodations or help determining if you need accommodations related to a disability. | 285 University Pavilion accessibility@umflint.edu 810-762-3081 |
| Counseling and Psychological Services. | Free and confidential counseling, and therapy for students as well as workshops on topics such as stress management, time management, and healthy relationships. | 264 University Center 810-762-3456 |
| Women's Educational Center. | Educational programming on topics of gender equity, violence prevention, as well as advocacy, resources and more for all genders. | 213 University Center wec@umflint.edu 810-237-6648 |
| Ellen Bommarito LGBTQ Resource Center. | The center is dedicated to creating and sustaining a safe and inclusive campus community by providing education, discussion, events, and advocacy about LGBTQ+ topics. | 213 University Center dept.lgbt-center@umflint.edu 810-766-6606 |
| Intercultural Center. | Advancing social justice and intercultural understanding at the University of Michigan-Flint by promoting belonging, advocacy, and co-curricular education. | 115 University Center intercultural@umflint.edu 810-762-3045 |
| Student Veterans Resource Center. | Provides academic support to the veteran community, including assistance with use of veteran's benefits for education and other resources. | 131 University Pavilion dept.svrc@umflint.edu 810-424-5589 |
| International Center | A dedicated resource for students, scholars, faculty, and visiting academics who come to our campus from around the world. | 219 University Center ic@umflint.edu (810) 762-0867 |

If you think of a resource I should list here in future semesters, please let me know.

Fall 2018 schedule—POL 420/520-PUB 420/519

| | Date | Reading | Assignments |
|---|----------|---|--|
| 1 | 9/3/18 | NO CLASS—Labor Day | Watch, Frontline: Supplements and Safety (link on BB) |
| 2 | 9/10/18 | ORIGINS AND INTRODUCTION 1—The Foundation Discussion of <i>Frontline: Supplements and Safety</i> <i>DeLeo, Chapter 1 (recommended)</i> | Reaction Paper: Supplements and Safety Distributed 9/10/18 Due 9/25/18 <i>Week 2 wiki prompt</i> |
| 3 | 9/17/18 | ORIGINS AND INTRODUCTION 2—The Case Law Cases on Blackboard: <i>Lochner v. New York</i> (1905); <i>ALA Schechter Poultry Corp v. US</i> (1935), <i>NLRB v. Jones & Laughlin Steel Corp.</i> (1937), <i>Dolan v. City of Tigard</i> (1994), <i>Kelo v. City of New London</i> (2005) | <i>Week 3 wiki prompt</i> |
| 4 | 9/24/18 | RULEMAKING 1—What is rulemaking? Cases on Blackboard: <i>Bi-Metallic Investment Co. v. State Bd of Equalization of Colorado</i> (1915), <i>U.S. v. Florida East Coast Railway</i> (1973) <i>DeLeo, Chapter 2 (recommended)</i> | <i>Weeks 4-5 wiki prompt</i> |
| 5 | 10/1/18 | RULEMAKING 2—How far can agencies go? Cases on Blackboard: <i>Chevron U.S.A. Inc. v. NRDC</i> (1984), <i>Citizens to Preserve Overton Park v. Volpe</i> (1971), <i>Vermont Yankee cases</i> (1978), <i>Auer v. Robbins</i> (1997) <i>DeLeo, Chapter 6</i> | |
| 6 | 10/8/18 | <u>RULEMAKING CASE STUDY</u>—EPA Strengthening Transparency in Regulatory Science Proposed Rule Materials on BB | Case Study Assignment 1 Distributed 10/8/18 Due 10/23/18 |
| 7 | 10/15/18 | NO CLASS—FALL STUDY BREAK | |
| 8 | 10/22/18 | ENFORCEMENT Cases on Blackboard: <i>Massachusetts v. EPA</i> (2007), <i>Michigan v. EPA</i> (2015), <i>Printz v. U.S.</i> (1997) | <i>Week 6 wiki prompt</i> |

Fall 2018 schedule—POL 420/520-PUB 420/519

| | Date | Reading | Assignments |
|----|----------|--|---|
| | | <i>DeLeo, Chapter 3 (recommended)</i> | |
| 9 | 10/29/18 | ADJUDICATION 1—What is adjudication? Cases on BB: <i>Londoner v. City and County of Denver</i> (1908), <i>SEC v. Chenery</i> (1947), <i>Marathon Oil v. EPA</i> (1977) <i>DeLeo, Chapter 4 (recommended)</i> | Week 9 wiki prompt Wiki Project 1ST Checkpoint |
| 10 | 11/5/18 | ADJUDICATION 2—Adjudication in action Cases on BB: <i>Goldberg v. Kelly</i> (1970), <i>Matthews v. Eldridge</i> (1976), <i>INS v. Chadha</i> (1983) | |
| 11 | 11/12/18 | <u>ADJUDICATION/ENFORCEMENT CASE STUDY</u>—Campus Sexual Misconduct Adjudications under Title IX Materials on BB | Case Study Assignment 2 Distributed 11/12/18 Due 11/27/18 Week 10 wiki prompt |
| 12 | 11/19/18 | NO CLASS—THANKSGIVING WEEK | |
| 13 | 11/26/18 | LEGISLATIVE CONTROL Reading on BB: <i>DeLeo, Chapters 7 & 8 (recommended)</i> | Week 11 wiki prompt |
| 14 | 12/3/18 | EXECUTIVE CONTROL and DEREGULATION Readings on BB | Week 12 wiki prompt WIKI PROJECT COMPLETION DATE 12/10/18 by 11:59 pm |
| 15 | 12/10/18 | Agency Funding Fair Presentations | Agency Funding Report Presentation Distributed: 9/10/18 Due: 12/10/18 in class |
| | 12/15/18 | FINAL EXAM DUE VIA BLACKBOARD at 11:59 pm on 12/17/18 | |