O’Neill School of Public and Environmental Affairs

SPEA V-184 Law and Public Policy

Instructor: Trisha K. Bushey, Adjunct Instructor
            tbushey@iu.edu
            (812) 361-6482 (text only)

Class Meeting: Tuesday and Thursday, 6:30 p.m. to 7:45 p.m.
               SPEA Room 277

Office Hours: Tuesday and Thursday, 7:45 p.m. to 9:00 p.m.
              4th Floor of SPEA
              Also available by appointment

Course Description: An examination of the legal environment in which public policy is made
                    and how to approach making public policy in that environment. This
                    course provides a basic understanding of the origins, process, and impact
                    of law in the making and implementing public policy. Students learn who
                    has power to make and implement laws, the different forms law takes,
                    how to find and interpret law, and key principles of law that shape public
                    affairs.

Learning Outcomes: Upon successful completion of this course, a student should be able to:
1. Differentiate among the powers of government distributed within the
   U.S. Constitution.
2. Articulate and explain major principles of key areas of substantive law.
3. Explain the processes for resolving civil disputes and criminal charges
   in America.
4. Explain the basic level of the role of administrative agencies in making
   and implementing law.
5. Compare U.S. and foreign approaches on one or more selected issues
   of law and policy.
6. Create and communicate coherent and persuasive arguments that
   incorporate both relevant principles of law and policy considerations.
7. Describe the various standards of review or levels of scrutiny that
   courts use to judge whether given action violates constitutional rights.
8. Indicate the rule of law involves restricting the arbitrary exercise of government power by subordinating it to laws that are enacted and applied through a fair, impartial, representative, and transparent process.
9. Illustrate the major concepts addressed in this course with reference either to events in students’ personal or professional lives, or relevant current or historical events.

**O’Neill School expectations of civility and professional conduct**

The O’Neill School takes matters of honesty and integrity seriously because O’Neill is the training ground for future leaders in government, civic organizations, health organizations, and other institutions charged with providing resources for the public, and for members of society who are vulnerable and who are lacking in power and status. Precisely because O’Neill graduates tend to rise to positions of power and responsibility, it is critical that the lessons of honesty and integrity are learned early.

O’Neill requires that all members of its community – students, faculty, and staff – treat others with an attitude of mutual respect both in the classroom and during all academic and nonacademic activities outside the classroom. A student is expected to show respect through behavior that promotes conditions in which all students can learn without interruption or distraction. These behaviors foster an appropriate atmosphere inside and outside the classroom:

- Students are expected to attend class regularly and to be prepared for class.
- Students must be punctual in their arrival to class and be present and attentive for the duration of the class. Eating, sleeping, reading the newspaper, doing work for another class, wandering in and out of the classroom, and packing up or leaving class early are not civil or professional behaviors.
- Students must abide by the course policy regarding use of electronic devices in the classroom.
- Students must responsibly participate in class activities and during team meetings.
- Students must address faculty members, other students, and others appropriately and with respect, whether in person, in writing, or in electronic communications.
- Students must show tolerance and respect for diverse nationalities, religions, races, sexual orientations, and physical abilities.
- Students must not destroy or deface classroom property nor leave litter in the classroom.

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1 These expectations are excerpted from the O’Neill School Honor Code which can be found at: [https://oneill.indiana.edu/doc/undergraduate/ugrd_student_honorcode.pdf](https://oneill.indiana.edu/doc/undergraduate/ugrd_student_honorcode.pdf)
REQUIRED MATERIALS:

Introduction to Law, Seventh Edition
Beth Walston-Dunham
Publisher: Delmar Cengage Learning
ISBN-10: 9781305948648

In addition to the text there are required readings each week. These readings will be listed on the syllabus and uploaded to Canvas. In some instances a link may be provided for you to access the material yourself. These readings are very important and build on the introductory material presented in the text. They must be read before class.

Course Requirements: This course engages students through a combination of lectures, readings, discussion, and in-class activities. Students will apply course concepts and skills to determine how and why a legal rule or principle applies, or not, in a given situation, and the relevant policy implications. Student mastery of course concepts and skills is assessed through participation, exams and written analyses of judicial opinions (also known as “case briefs”),

The assessments and corresponding points available for each are:

- Exams
  - Three Exams* …………………………………………………………………………50%
- Case Briefs
  - Your lowest two scores will be dropped……………………………………25%
- Participation
  - This is mainly when you are part of the discussion group………………15%
- Reading Quizzes*……………………………………………………………………10%

*Exams and quizzes will be destroyed within 2-3 weeks after they are administered.

Grading scale is posted in canvas. This class does not award “A+”.

Late Assignments: Assignments submitted to canvas before 11:59pm on the due date will be considered timely unless otherwise noted. For each day (24-hour period) your assignment is late, 20% will be deducted from your grade on that assignment. It is the student’s responsibility to become familiar with all due dates. Ask if you are unsure! NOTE THAT THE FACT THAT CANVAS PERMITS LATE SUBMISSION OF ASSIGNMENTS DOES NOT ALTER THE DUE DATE GIVEN IN CLASS OR THE APPLICATION OF THE DEDUCTIONS FOR LATENESS.

Participation Explained: Each week approximately five or six students will be selected to join the discussion from the front row of the class. It will be expected that these students have thoroughly read the materially (text and additional cases found on Canvas) and prepared for that

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2 If you have the 5th or 6th edition that will work as well.
3 A more complete description of assignments (Instructions, number and form of questions, etc.) will be provided in class.
week, including the submission of two written briefs over two of the cases assigned for that week. If your week has two cases, you should brief those two cases. If the week has more than two, you will be assigned two cases to brief. You are expected and required to read all materials for your assigned week (not just the cases you are submitting a written brief for). These students will have advance notice of their selection and should be prepared to intelligently discuss the readings. A severe loss of points will occur if a student is not present, is unprepared during their assigned week or fails to turn in a brief/s. The briefs are to be submitted to Canvas on the day before class.

**Reading Quizzes:** There will be approximately three reading quizzes, with less than 10 questions each. This is simply to check whether the student read and understood the material. These will be unannounced and there will be no make ups.

**Exams:** There will be three exams. The exams will be a mixture of questions. It is anticipated that they will have short answer, multiple choice and true false. The questions will range from level one to level three on Bloom’s Taxonomy. (We will go over this in more detail.)

**Case Briefs:** To be more fully explained in class, and under separate instructions in Canvas.

**Due Dates:** Briefs are due on the day before you are part of the discussion or up-front group. Exams (unless otherwise announced) will be on the date listed on the schedule.

**Course Policies:**

**Academic Dishonesty:** Academic dishonesty, including cheating on exams, plagiarism in papers, and offering someone else’s work as your own, is not consistent with ethical conduct and is unacceptable in classes. In cases of academic dishonesty, university guidelines will be followed. Any student caught cheating or plagiarizing will fail the course. A student’s right to appeal such dismissal is outlined in the materials distributed at student orientation meetings.

Your involvement in this class is subject at all times to (1) the Indiana University-Bloomington Code of Student Rights, Responsibilities and Conduct, see [http://www.iu.edu/~code/](http://www.iu.edu/~code/) (Links to an external site.), and (2) other relevant University academic policies, which are available at [http://policies.iu.edu/policies/categories/academic-faculty-students/index.shtml#academicpolicies:academicandstudentaffairs](http://policies.iu.edu/policies/categories/academic-faculty-students/index.shtml#academicpolicies:academicandstudentaffairs). (Links to an external site.)

A student must not adopt or reproduce ideas, opinions, theories, formulas, graphics, or pictures of another person without acknowledgment. A student must give credit to the originality of others and acknowledge indebtedness whenever:

1. Directly quoting another person’s actual words, whether oral or written;
2. Using another person’s ideas, opinions, or theories;
3. Paraphrasing the words, ideas, opinions, or theories of others, whether oral or written;
4. Borrowing facts, statistics, or illustrative material; or
5. Offering materials assembled or collected by others in the form of projects or collections without acknowledgment.
To avoid plagiarism, give credit to sources (i.e., use citations) whenever you use someone else’s language or ideas. Simply including a reference list at the end of your paper is not sufficient; rather, use of citations in all written work for this class should be detailed and specific, and consistent with the *APA Publication Manual, Sixth Edition*.

**Note Selling:** Several commercial services have approached students regarding selling class notes/study guides to their classmates. Selling the instructor’s notes/study guides in this course is not permitted. Violations of this policy will be reported to the Dean of Students as academic misconduct (violation of course rules). Sanctions for academic misconduct may include a failing grade on the assignment for which the notes/study guides are being sold, a reduction in your final course grade, or a failing grade in the course, among other possibilities. Additionally, you should know that selling a faculty member’s notes/study guides individually or on behalf of one of these services using IU email, or via Canvas may also constitute a violation of IU information technology and IU intellectual property policies; additional consequences may result.

**Online Course Materials:** The faculty member teaching this course holds the exclusive right to distribute, modify, post, and reproduce course materials, including all written materials, study guides, lectures, assignments, exercises, and exams. While you are permitted to take notes on the online materials and lectures posted for this course for your personal use, you are not permitted to re-post in another forum, distribute, or reproduce content from this course without the express written permission of the faculty member. Any violation of this course rule will be reported to the appropriate university offices and officials, including to the Dean of Students as academic misconduct.

**E-mail:** No matter what the content of the e-mail is, please make the subject line “V184” and the time the class meet (For example, “V184 M/W section). If you do not do this, there is a fair chance that your e-mail will get buried in my in-box. Check your IU e-mail, as I will communicate with you via e-mail (and Canvas) throughout the semester. I will make a good faith effort to reply to student e-mails in a timely fashion (within a few days). Note that it may take me several days to reply to an e-mail. Be reasonable with your expectations and requests. An e-mail sent the night before our class will not get a response before class time. If e-mails are not sent with the appropriate level of professionalism and courtesy, I may not respond to them at all. In order to verify the identity of all parties involved, all email communication must originate from an Indiana University e-mail account. Please use my IU e-mail address—not Canvas—for communication. Likewise, questions that are addressed in this syllabus will likely not receive an answer.

Additionally, if you speak to the instructor about a course concern you have, please follow through with an email summarizing the conversation. Please don’t rely on the, “I talked to you after class about…”

**Special Circumstances:**
Disability services for students: Students seeking support services or accommodations regarding a disability are encouraged to consult the following site for information about available services and the procedures to be followed by students and instructors:
https://studentaffairs.indiana.edu/disability-services-students/
Religious observance: Students seeking an accommodation for religious observance that conflicts with a class meeting or affects another course obligation should contact me and the TA within the first 10 days of the semester. Additional information on IU’s policy on religious observances and forms to be used by students requesting accommodations: http://enrollmentbulletin.indiana.edu/pages/relo.php

Sexual Misconduct: Federal law and University policy together prohibit sexual misconduct, which includes but is not limited to sexual harassment and sexual violence. More information is available here: https://studentaffairs.indiana.edu/violence-prevention/index.shtml

It is also important to know that federal regulations and University policy require me to promptly convey any information about potential sexual misconduct known to me to our campus’ Deputy Title IX Coordinator. In that event, they will work with a small number of others on campus to ensure that appropriate measures are taken and resources are made available to the student who may have been harmed. Protecting a student’s privacy is of utmost concern, and all involved will only share information with those that need to know to ensure the University can respond and assist.

Miscellaneous:

Course Information/Announcements: Canvas will constitute notice to you the student and to the class as a whole; therefore, you are expected to check it frequently for important information. Please check Canvas for information like final exam dates, readings etc.

Recording in class: Photographing, audio-taping, and video-taping within the class is expressly prohibited, except as authorized for the purpose of accommodating a documented disability or otherwise approved by the instructor. Students who engage in any recording may face immediate removal from class and further sanctions.

Attendance: It is expected that the student will attend each class session and arrive on time. With that being stated, it also understood that students will miss a class occasionally. However, excessive absences, as determined by the instructor, may result in a loss of points. Attendance sheets may be passed out to verify attendance. It is the student’s responsibility to make sure that they have signed in for that particular day. There is no need to submit medical excuses for missed days unless you feel your missed days have become excessive.

Making up an exam or final will not be allowed without appropriate documentation as determined by the instructor. In most cases the only exception is a medical condition such as a hospital admission that prohibited the student from attending. In other words, “I have a cold” is generally not sufficient.

Use of Electronics in class: In a word, NO! The use of cell phone and text messaging devices will not be tolerated during class time. These devices must not be present (for example continually consulted to see what time it is or if someone texted you). Also, laptops are not allowed. There will be no other warnings, and violations will result in loss of points. Continued use may result in reduction of grade and/further academic proceedings that the instructor deems appropriate. This policy has been instituted in part at the urging of your fellow students.
distracted by the constant texting and other non-educational use of computers and cell phones during class time. This class is a little a bit over an hour and it is hoped that you can remain “electronics free” for such a brief period of time. If not, you may wish to consider another class or section.

**Administrative Oversights:** If you find that you were left off the “up front” list, not assigned cases or have any other administrative needs that I may need to be made aware (attendance sheets, religious or other holiday observances, disability support service needs, etc.), it is your responsibility to contact me and the TA to rectify the situation. If you do not receive a timely answer, please continue to contact us (within reason) until a response is received.

**Grade Adjustments:** Please don’t email me asking for a grade adjustment “just because.” The grade you earn will be the grade you get. Limited exceptions may be made in cases of less than one percentage point. I will generally not respond to end of semester emails pleading for a higher grade.

**Schedule of Assignments:**

**TENTATIVE CLASS SCHEDULE SPRING 2021**

*Subject to almost certain change*

<table>
<thead>
<tr>
<th>Week</th>
<th>Concepts</th>
<th>Chapter</th>
<th>Additional Readings</th>
<th>Misc/Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>Week 1 1/11 &amp; 1/13</td>
<td>Intro/How to brief cases/APA</td>
<td>Lecture</td>
<td>“How to read a legal opinion”&lt;br&gt;“How to brief a case”&lt;br&gt;Sample case brief&lt;br&gt;<em>Sanders v. State</em></td>
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<tr>
<td>Week 2 1/18 &amp; 1/20</td>
<td>Beginnings, Rule of Law, Hierarchy of Laws, Federalism</td>
<td></td>
<td>Barron v. Baltimore,&lt;br&gt;<em>Cooper v. Aaron</em></td>
<td></td>
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<tr>
<td>Week 3 1/25 &amp; 1/27</td>
<td>Courts and Court Structure, Judicial Review and Judicial Interpretation</td>
<td>2</td>
<td><em>Marbury v. Madison,&lt;br&gt;Martin v. Hunter’s Lessee</em></td>
<td></td>
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</tbody>
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| Week 5 | 2/8 & 2/10 | The President, Presidential Powers and the Executive Branch; Administrative Law | 4 | *Ex Parte Milligan, U.S. v. Mitchell, U.S. v. Grimaud*  
*“Chevron Deferece”* |
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<tr>
<td>Week 6</td>
<td>2/15 &amp; 2/17</td>
<td>Trial Techniques</td>
<td>Lecture</td>
<td>Tuesday will be lecture, Thursday first exam</td>
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| Week 8 | 10/12 & 10/14 | Equal Protection, Substantive Due Process | No Chapter | *Cleburne v. CLC, Loving v. Virginia, Bolling v. Sharpe, Brown v. Board, Griswold v. CT.*  
**All=Griswold**  
**A-K=Loving**  
**L-Z=Bolling** |
| Week 10 | 3/8 & 3/10 | First and Second Amendment issues | No chapter | *Lemon v. Kurtzman, Burwell v. Hobby Lobby, NYRPSA v. Beach, Libertarian Party v. Cuomo*  
**All= Burwell**  
**A-K= Beach**  
**L-Z= Cuomo** |
| **NO CLASS THE WEEK OF SPRING BREAK** | | | | |
| Week 11 | 3/22 & 3/24 | Judicial Interpretation Part II | Lecture | Tuesday Lecture  
Thursday Exam | **EXAM 2** |
**All=Palsgraf**  
**A-K=Schafer**  
**L-Z=Escola** |
| Week 13 | 4/5 & 4/7 | Substantive Law: Contracts | 13 | *Circle Center v. YG, Johnson v. Capital City Ford* |
| Week 14 | 4/12 & 4/14 | Substantive Law: Criminal Law | 15/16 | *Mapp v. Ohio, Terry v. Ohio* |
| Week 15 | 4/19 & 4/21 | Substantive Law: Criminal | 15/16 | *Blakely v. Washington, BOP statistics* |
*If your “up-front week” has more than two cases, you only submit two briefs for a grade. These two are listed in the last column.

For example, if it says ALL=Smith, A-K=Jones, L-Z=Adams, and your name is “Bushey” you would submit the brief for the cases of Smith and Jones for grade. Remember, you must read all materials, and if you are up front be ready to discuss all materials.

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The above schedule is subject to limited change in the event of extenuating circumstances.
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Additional information for students:

Counseling and Psychological Services

For information about services offered to students by CAPS: http://healthcenter.indiana.edu/counseling/index.shtml.

Religious Observation

In accordance with the Office of the Dean of Faculties, any student who wishes to receive an excused absence from class must submit a request form available from the Dean of Faculties for each day to be absent. This form must be presented to the course instructor by the end of the second week of this semester. A separate form must be submitted for each day. The instructor will fill in the bottom section of the form and then return the original to the student. Information about the policy on religious observation can be found at the following website: http://vpfaa.indiana.edu/policies/bloomington/instructional-responsibilities/religious-observances.shtml.

Disability Services for Students

Securing accommodations for a student with disabilities is a responsibility shared by the student, the instructor and the DSS Office. For information about support services or accommodations available to students with disabilities, and for the procedures to be followed by students and instructors: http://studentaffairs.iub.edu/dss/.

Sexual Harassment

As your instructor, one of my responsibilities is to help create a safe learning environment on our campus. Title IX and our own Sexual Misconduct policy prohibit sexual misconduct. If you have experienced sexual misconduct, or know someone who has, the University can help.

If you are seeking help and would like to talk to someone confidentially, you can make an appointment with:
i. The Sexual Assault Crisis Service (SACS) at 812-855-8900
ii. Counseling and Psychological Services (CAPS) at 812-855-5711
iii. Confidential Victim Advocates (CVA) at 812-856-2469
iv. IU Health Center at 812-855-4011

For more information about available resources: [http://stopsexualviolence.iu.edu/help/index.html](http://stopsexualviolence.iu.edu/help/index.html). It is also important to know that federal regulations and University policy require me to promptly convey any information about potential sexual misconduct known to me to our campus’ Deputy Title IX Coordinator or IU’s Title IX Coordinator. In that event, they will work with a small number of others on campus to ensure that appropriate measures are taken and resources are made available to the student who may have been harmed. Protecting a student’s privacy is of utmost concern, and all involved will only share information with those that need to know to ensure the University can respond and assist. I encourage you to visit [http://stopsexualviolence.iu.edu/help/index.html](http://stopsexualviolence.iu.edu/help/index.html) to learn more.

**Commitment to Diversity: Find your home and community at IU**

**Asian Culture Center**
Address: 807 East Tenth Street, Bloomington, IN 47408
Phone: 812-856-5361
Email: acc@indiana.edu
Website: [https://asianresource.indiana.edu/index.html](https://asianresource.indiana.edu/index.html)

**First Nations Educational & Cultural Center**
Address: 712 E 8th St., Bloomington, IN 47408
Phone: 812-855-4814
Email: fnecc@indiana.edu
Website: [https://firstnations.indiana.edu/contact/index.html](https://firstnations.indiana.edu/contact/index.html)

**LGBTQ+ Culture Center**
Address: 705 E 7th St., Bloomington, Indiana 47408
Phone: 812-855-4252
Email: glbtserv@indiana.edu
Website: [https://lgbtq.indiana.edu/contact/index.html](https://lgbtq.indiana.edu/contact/index.html)

**La Casa Latino Culture Center**
Address: 715 E 7th St., Bloomington IN, 47408
Phone: 812-855-0174
Email: lacasa@indiana.edu
Website: [https://lacasa.indiana.edu/](https://lacasa.indiana.edu/)

**Neal Marshall Black Culture Center**
Address: 275 N Jordan Ave Bloomington, Indiana 47405
Phone: 812-855-9271
Email: nmgrad@indiana.edu
Website: [https://blackculture.indiana.edu/index.html](https://blackculture.indiana.edu/index.html)