

**UPPER IOWA UNIVERSITY**  
**External Degree Program**

**PA 445-04 Administrative Law**

**COURSE DESCRIPTION:**

Areas explored include bureaucracy and the regulatory process; judicial review of administrative actions; the Administrative Procedures Act of 1946; delegation, standing, exhaustion, sovereign immunity, rulemaking, tort liability, evidence, discretion, investigation and enforcement. Three semester credits.

**COURSE OBJECTIVES:**

1. Recognize how administrative law is formed, enforced, and reviewed.
2. Read, interpret, and brief administrative law cases.
3. Delineate how administrative agencies produce, enforce and review rules.
4. Explain how the judicial, executive, and legislative branches of the U.S. government affect administrative law.
5. Analyze the basic principles and procedures of administrative law as applied to administrative agencies.
6. Examine a variety of legal problems impacting the area of administrative law.

**COURSE GOALS:**

By the conclusion of this course, you should be able to:

1. Recognize the impact of administrative law on society.
2. Identify the differences between statutes and regulations.
3. Discuss whether the level of administrative regulation is proper, in general, and with respect to specific issues.

**TEXT MATERIALS:**

Textbook: Administrative Law: Bureaucracy in a Democracy, Hall, Daniel, Prentice-Hall, Upper Saddle River, New Jersey (2<sup>nd</sup> edition, 2002). **Note:** the first edition of this text is substantially different than the current edition. You must purchase the correct edition of the text for the course.

Other: Various Internet resources. These will be discussed in the first unit of this course. You are welcome to search these on your own, for fuller understanding of the material in this course.

You may purchase your textbook through MBS Direct by calling their toll free number at: 800-325-3252 or through the UIU homepage: [www.uiu.edu](http://www.uiu.edu). Click on the link called Resources for Center, External Degree and Online Program learners. Follow the link and select External Degree for your location.

## **COURSE OUTLINE:**

The following are the subjects for each course unit. Each Study Unit has three (3) essay questions which the student must answer in writing and submit to the Instructor. There are also questions in the introduction to each Study Unit. The student should be able to answer those questions, but they are not submitted to the Instructor.

### **Unit 1: Administrative Agencies and their Place in our Government**

Textbook Chapter 1, Introduction

Chapter 2, Bureaucracy and Democracy

Chapter 12, Researching Administrative Law Issues

### **Unit 2: Responsibility and Fairness**

Textbook Chapter 3, Agency Discretion

Chapter 4, The Requirement of Fairness

### **Unit 3: The Quasi-Legislative Function**

Textbook Chapter 5, Delegation

Chapter 6, Agency Rulemaking

Appendix B, Administrative Procedure Act (Excerpts)

## **Midterm Examination**

### **Unit 4: The Quasi-Judicial Function**

Textbook Chapter 7, Agency Investigations and Information Collection

Chapter 8, Agency Adjudications

### **Unit 5: Holding Agencies Accountable for Decisions and Actions**

Textbook Chapter 9, Accountability through Reviewability

Chapter 10, Accountability through Accessibility

Chapter 11, Accountability through Liability

## **Final Examination**

## **EXAM INFORMATION:**

You may complete your unit assignments at your own pace, within the parameters established by the External Degree Program. You may use your textbook and syllabus information to answer the essay questions. Each unit contains a significant amount of material, so each unit will most likely take some time to complete. The midterm and final examinations will be proctored; the midterm exam will consist of thirty-three (33) multiple-choice questions, and the final exam will consist of five (5) essay questions. You will need to submit the enclosed exam request form to the University External Degree office when you wish to take a midterm or final examination.

**The midterm and final examinations are NOT open-book, nor will you be able to use notes.**

In answering the multiple-choice questions on the midterm examination, select the BEST answer from among the possibilities given. **NOTE:** You must pass at least one exam to pass the course.

## **UNIT ASSIGNMENTS:**

For each unit, you will find three (3) questions to be answered and submitted. The questions and answers are to be typed, and attached to the Assignment Cover found in this syllabus. The answers are to be submitted in complete sentences, with attention paid to grammar and spelling, as these will form part of the basis of your grade, along with content. There is no specific maximum or minimum length for each answer, although most of the questions cannot be adequately answered in less than a page. It is important that the student fully explain his or her answers, rather than simply give a one-sentence response. Of course, if the student uses outside sources in answering the question, these sources must be cited. It is expected that the student will answer questions in his or her own words, and not merely copy passages from the textbook!

## **LIBRARY RESOURCES:**

As a student of Upper Iowa University, you have access to the resources of the Henderson-Wilder Library on the Fayette campus. If travel to the campus is not feasible, you can access the library through the University's website. For InfoTrac access information, please contact the library at library@uiu.edu.

## **GRADING STANDARDS:**

Your grade will be determined by your grades on the five units, the midterm, and the final exam. Each unit is worth ten per cent (10%) of your grade, while the midterm and final exams each account for twenty-five per cent (25%) of your grade:

Five Units x 10% each =	50%
Midterm exam =	25%
Final exam =	<u>25%</u>
Total =	100%

In grading the Study Units and midterm examination, I will make use of the "plus" and "minus," to apprise you of the relative strength of your grade for that particular piece of work.

### **Upper Iowa University uses a standard grading system:**

**A** = All work is excellent, shows exceptional understanding of materials; logical, clear, and insightful written and oral work, incorporates knowledge from other sources and moves easily to the next level of understanding, works well beyond minimum requirements.

**B** = Understanding of material is good to very good, demonstrates good grasp of material, good oral and writing skills, produces more than the minimum requirements, quality of all work is high.

**C** = Satisfactory understanding of the material, submits only the minimum requirement, communicates adequately in oral and written formats, displays an adequate understanding of all basic concepts.

**D** = Quality and quantity of written and oral work is below average and barely acceptable.

**F** = Quality and quantity of written and oral work is unacceptable.

## **CHEATING, ACADEMIC DISHONESTY AND PLAGIARISM:**

Because cheating, academic dishonesty and plagiarism are affronts to the University community as a whole and a denial of the offender's own integrity, they will not be tolerated. Cheating includes but is not limited to:

- The use of unauthorized books, notes or other sources in the giving or securing of help in an examination or other course assignments,
- The copying of other students' work or allowing others to copy your work,
- The submission of work that is not your own or allowing others to submit your work as theirs,
- The submission of the same work for two or more classes without the approval of any instructors involved.

Academic dishonesty includes but is not limited to:

- Sharing academic materials knowing they will be used inappropriately,
- Having access to another person's work without permission,
- Providing false or incomplete information on an academic document,
- Changing student records without approval.

Plagiarism includes but is not limited to:

- The presentation of another's published or unpublished work as one's own
- Taking words or ideas of another and either copying them or paraphrasing them without proper citation of the source,
- Using charts, graphs, statistics or tables without proper citation.

Detected cheating, academic dishonesty, or plagiarism will result in consequences that may, at the instructor's discretion, include course failure. In addition, an offender may be reported to the Senior Vice President for the Extended University, the Dean of the Extended University, or designee for possible disciplinary action, which may include suspension or dismissal from the University. Upper Iowa University may make use of various plagiarism detection services. Individuals, by enrolling in courses offered by the University, consent to submission by the University of course-related assignments to such services and the retention of a copy of such assignments by the service. Extended University Catalog 2004/05 page 85.

## **ATTENDANCE:**

Even though a student does not attend a regular classroom in the traditional sense and keep up with a set schedule of assignments, it should be pointed out how important it is to keep yourself on a regular timely schedule if possible to complete and send in units. It is too easy to set work aside and decide to do it later. Suddenly, the need to complete assignments and get them in by deadlines can become stressful and, at times, impossible. The key would be to set time aside on a regular basis and submit work in a timely manner.

**WITHDRAWAL:**

If you wish to withdraw prior to the last day of the enrollment period you must contact the External Degree office by phone or in writing. After your original six month enrollment period you no longer have the option to withdraw from the course. You must finish the course or have a final grade assigned based on the coursework submitted.

**SPECIAL NEEDS:**

If you require accommodation for special needs, please supply documentation to the Director of the External Degree Program.

**This syllabus is tentative and subject to change.**