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The Syllabus Becomes a Repository of Legalese

As dos and don'ts get added, some professors cry 'enough'

By PAULA WASLEY

The syllabus for a course on American literature at the University of South Alabama seems pretty routine at first glance. It includes among its required readings, for instance, *The Great Gatsby* and *The Adventures of Huckleberry Finn*.

But near the bottom of Page 3 is something not related to course work — a detailed clause on classroom behavior: "Students are expected to arrive on time, not to leave early, not to wear caps inside the classroom, and to follow traditions of decorum and civility."

Course syllabi have long been as varied as the instructors who composed them. Indeed, many faculty members are loath to share them, for fear of intellectual theft.

But increasingly the contemporary syllabus is becoming more like a legal document, full of all manner of exhortations, proscriptions, and enunciations of class and institutional policy — often in minute detail that seems more appropriate for a courtroom than a classroom.

Take, for example, the injunction that appeared recently on an introductory-religion syllabus at Wartburg College: "Keep your e-mail 'inbox' tidy so that you may receive timely notices from your professor."

Such clauses have cropped up on college syllabi around the country for a variety of reasons. Some have been required by the college or university. Since the passage of the Americans With Disabilities Act, a statement about students with disabilities has become de rigueur. This fall the University of Missouri at Columbia added a statement on "intellectual pluralism" to its syllabi. Some institutions require the inclusion of an inclement-weather policy.

Heading off conflict is another goal. Faculty members concerned about campus violence add codicils to their syllabi declaring their commitment to a "safe and supportive learning environment"; others include disclaimers about potentially controversial films and readings.

With its ever-lengthening number of contingency clauses, disclaimers, and provisos, the college syllabus can bear as much resemblance to a prenuptial agreement as it does to an expression of intellectual enterprise. But experts say that when things go wrong in the classroom, fuzzy expectations are almost always to blame.

"Our own experiences suggest that when trouble arises in a class, the conflict often began, in some way, with the syllabus," wrote Joseph Kenneth Matejka and Lance B. Kurke in a 1994 article on the syllabus for the journal *College Teaching*.

"You wouldn't think it was that important," says Mr. Matejka, a professor of leadership and change management at Duquesne University's Graduate School of Business. Still, he says, research indicates that the syllabus is "the single biggest determining variable in determining the success and reaction to the course." The well-designed syllabus, he notes, lays out right from the start the goals, requirements, and operating principles of the course.

Some teaching experts applaud the thoroughness as a coup for student learning. The comprehensive syllabus, they say, simultaneously protects the professor and prepares students for the demands of the course. Other experts contend that documents bloated with legalese and laundry lists of dos and don'ts have turned the teacher-student relationship into an adversarial one.

Making a List

In earlier times, the syllabus was a different beast.

The earliest examples of the genre were no more than (occasionally lengthy) lists of subjects and ideas to be included in a course, says Jeffrey A. Snyder, a New York University doctoral student studying the history of higher education who combed through syllabi in Harvard University's archives.

Among those he discovered in a research project for Harvard's Derek Bok Center for Teaching and Learning was an 1870 syllabus by Henry Adams, a lengthy outline of 298 topics he wished to cover in a course on medieval political history. At number 26 on the list was "Scandal in regard to the bishopric of Merseburg." Adams had no strictures on eating during class.

While many of today's syllabi still retain that listlike quality, the modern format of assigned readings and term-paper due dates did not fully emerge until the early part of the 20th century. And even then, its use was limited by the technology available for distribution, says Christopher J. Lucas, a professor of higher education at the University of Arkansas.

The advent of photocopiers in the 1960s made putting syllabi together much easier. And the new technology coincided with a vigorous educational movement that turned a microscope on all things pedagogical. By the 1980s, teaching theorists even began to posit that the lowly syllabus was no mere list, but a powerful tool for teachers.

Not Really a Contract

But the new teaching functions assumed by the syllabus over the last few decades have not overshadowed its role as an implied student-teacher contract.

In fact, the notion of the syllabus as a contract has grown ever more literal, down to a proliferation of fine print and demands by some professors that students must sign and attest that they have read and understood. This trend has led to increasing confusion on many campuses as to where the syllabus-as-contract metaphor ends and liability begins — including faculty members' fears that classroom decisions may land them in the courtroom.

The emergence of legal language in syllabi reflects a growing litigiousness in higher education over all, says Jonathan R. Alger, general counsel at Rutgers University and former counsel to the national office of the American Association of University Professors.

But Mr. Alger says the spread of such language to course syllabi may not be all that effective, legally speaking. While the idea that a college or university has contractual obligations to students has steadily gained ground in the law, he observes, a course syllabus is unlikely to stand as an enforceable contract, particularly given the courts' historic deference to colleges in academic matters.

"That deference to educational judgment comes into play when you talk about syllabi because they are first and foremost educational documents that reflect an educational mission," says Mr. Alger.

Other college officials may encourage faculty members to load up their syllabi with policies that close every loophole, but Mr. Alger wonders whether this academic-cum-juridical trend may be a step in the wrong direction.

"It seems to me we don't want to get into a situation in higher education where every communication between a faculty member or between the school and student is perceived as a contract," he says.

Just the same, Mr. Alger recommends that when writing syllabi, professors use "flexible" language, avoid offering explicit guarantees, and never include anything that conflicts with institutional policies. Building in that flexibility is why many faculty members add disclaimers to their syllabi, stating that the professor reserves the right to change or deviate from the syllabus, and why others eschew dates on their timetable of class sessions, lest they run into trouble for falling behind schedule.

Devilish Details

Among the select set that spends time pondering the college syllabi, many observers herald the everything-but-the-kitchen-sink document as a move forward for student-centered learning.

The more detailed, the better, says Linda S. Garavalia, an associate professor of psychology at the University of Missouri at Kansas City who has studied students' perceptions of syllabi. "Students tend to be anxious about what it is that's expected of them," she says.

Spelling out as comprehensively as possible what types of activities students will do in class, how they will be assessed, and how much each assignment counts toward a grade reduces that stress, she says, particularly for freshmen who aren't yet used to college protocol.

The syllabus is also a handy index to the professor's personality and priorities. "It says right upfront, These are the things that are important to me, and I'm going to work with you on x, y, and z, and if that's not important to you, maybe we shouldn't do this together this semester," says Ms. Garavalia.

Particularly important, she says, is the inclusion of well-thought-out policies on makeup exams, grading, and late assignments. That way, she says, "you're not asked every time a student comes to you to make an arbitrary decision."

Ms. Garavalia's own syllabi range from 10 to 20 pages and include examples of written assignments, along with policies on punctuality, participation, and classroom visitors, all framed as positively as possible, she

says.

The syllabus, she says, is the students' guidebook to the semester. Even if they don't read it all, they find it helpful as a reference.

The Comprehensive Syllabus

Administrators, too, tend to favor a comprehensive syllabus, say many faculty members. If a student comes carping, the first thing a dean or ombudsman asks is whether there is a policy in the syllabus that covers the complaint.

"So the syllabus gets longer and longer each time students think up something new that you wouldn't necessarily want them doing," says Susan R. Boettcher, an assistant professor of history at the University of Texas at Austin.

More than a third of her nine-page syllabus for a course on the Reformation is taken up by explanations of her policies on attendance, laptop usage, and how to round grades, and her availability to write letters of recommendation.

Her detailed policy on scholastic dishonesty includes a clause stating that "the rules of academic honesty also apply to extra credit." It was an addition that she made after a judicial board overturned her recommendation that a student fail her course for plagiarizing an extra-credit paper. Her syllabus had not explicitly stated that students could fail for cheating on extra-credit projects.

"I thought that was obvious," she says.

She also added a clause explaining the Family Educational Rights and Privacy Act, which protects the privacy of student records, after receiving harassing phone calls from a mother wanting to know about her son's performance in class. Her policy on cellphones is particularly stringent: At the fifth cellphone ring during the semester, everyone in the class loses 1 percent of their grades. Hearing a cellphone go off in class, she explains, "is like pushing Control-Delete on my brain." (So far she hasn't had to enforce the rule, proof, perhaps, that threats work.)

Next semester Ms. Boettcher plans to add an intellectual-property-rights clause to her syllabus that forbids students to videotape her class and post it on YouTube. Not that that has happened to her, she says, but it is a trend she would like to avoid. She has noticed a disturbing number of clandestine videos of professors on the Internet, and she is not keen on starring in one.

Ms. Boettcher isn't wholly pleased at this proliferation of prohibitions and policies. "I didn't get into this job to enforce rules," she says. But, she adds, laying out ground rules saves time on negotiating later. Also, she believes, they compel her to fulfill her teaching responsibilities to the small percentage of students who might fall by the wayside without them.

The Rule Maker

Defining the rules and sticking to them help prepare students for the adult and professional responsibilities ahead of them, says Eric L. Peters, an associate professor of ecology and environmental science at Chicago State University. So his tactic is to lay down the law at the very beginning, through a tough and

comprehensive syllabus, and then to ease up as the semester gets going.

"This is as nasty as I get," he says of his syllabus, which highlights particularly important dicta with bold type, capital letters, underlining, and exclamation points. "I can always be nicer."

With a large teaching load, he says, he cannot afford to deal with problems and assignments ad hoc. So his syllabus, and a lengthy accompanying makeup policy, covers a number of elaborate scenarios instructing students what to do should they get sick, need to miss an exam, or drop the course.

If a student's car breaks down on the way to an exam, for instance, the student can consult the syllabus and discover that he or she will need to produce a towing-and-repair receipt to schedule a makeup.

Mr. Peters is also one of a surprising number of faculty members who ask students who miss exams to attend a funeral to furnish a death certificate or funeral documentation. That may sound draconian, he says, but he has had his share of runarounds with students who proffer serial and suspiciously opportune tragedies.

The rules, he says, keep things fair for everyone and don't give an advantage to the whiniest, loudest, or most dishonest students. He tries to make himself as approachable as possible, he says, "but at some point you have to lay down some boundaries or nothing ever gets done."

Without a Net

Mano Singham, an adjunct associate professor of physics and director of Case Western Reserve University's Center for Innovative Teaching and Education, is sympathetic to the phenomenon of syllabus creep and the frustrations that drive it. He has fallen victim to it himself. Over the years, he says, he watched his two-page syllabus grow to six rule-filled pages that tried to legislate for every eventuality. It started with the students' questions — first about due dates, then about required paper length, then fonts and margins.

"Each time students ask these things, I think, 'If I put it in my syllabus, then they won't ask me next year,'" he says. Eventually he realized that he had produced a watertight document that eliminated any ambiguities in the classroom.

Unfortunately, he says, it also eliminated learning. However well-intentioned it may be, says Mr. Singham, the creeping legalistic syllabus turns the classroom into a quasi courtroom, with students and professors on opposing sides. Its schema of rules and penalties assumes that students aren't to be trusted, are unwilling to work, and expect only good grades, he says, and sends the message that "basically this is a kind of prison."

As an experiment, Mr. Singham several years ago took the drastic measure of scrapping his syllabus altogether. It has worked for him. Now, at the beginning of each semester, he comes to his seminar with only a tentative timeline of readings and written assignments. The rest he leaves up to the students. Throughout the semester, he asks them to decide collectively on when papers will be due, how they will be assessed, and what constitutes a good paper or meaningful participation.

This back-and-forth, he says, produced a profound shift in students' attitudes. He found that the more he delegated the rule-setting and decision making to them, the more engaged they became. They arrived to class on time, didn't quibble over grades, and were conscientious about turning in work, even without strict deadlines or penalties.

Best of all was the sense that they did all this because they were interested, rather than because he was making them.

Mr. Singham acknowledges that this approach, which he described in an essay titled "Death to the Syllabus!" in a 2007 issue of the journal *Liberal Education*, while well-suited to his seminar, may not go over quite so well in a larger classroom. Still, he urges faculty members to abandon their legalistic syllabi and "change the mind-set that looks on students as adversaries thwarted in their devious attempts at getting something for nothing." Fewer rules, he says, leaves more room for trust, communication, and enthusiasm for learning.

Letting Go

Other professors are swimming against the tide of the overgrown and heavy-handed syllabus.

After hearing of a faculty member who devised a syllabus for only the first six weeks of his course and then let students set the agenda for the second half, Sharon Rubin, a professor of American studies at Ramapo College, decided her own syllabus could use a revamp.

"I don't want to think of my syllabus as a contract," says Ms. Rubin, who wanted it to reflect her bond with students. "We're not on two sides of the contract; we're on the same side."

Ms. Rubin decided to strip out all the legalese that had accumulated over the years. She removed her policy on cellphones and deleted her zero-tolerance rule on late papers. "And the world did not crumble," she says. In fact, she says, the change prompted more fruitful conversations with students than she would have had if she had kept the blanket policies on her syllabus.

"Ninety-five percent of the students will meet your expectations," says Ms. Rubin. "The other 5 percent, they won't live up to them no matter how many negative things you have on your syllabus. So why let them define the class for the class?"

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