

Term Information

Effective Term Spring 2015

General Information

Course Bulletin Listing/Subject Area Public Affairs, John Glenn Sch
Fiscal Unit/Academic Org John Glenn Schl of Pblc Affrs - D4240
College/Academic Group John Glenn School of Pub Aff
Level/Career Undergraduate
Course Number/Catalog 4510
Course Title Law and Public Affairs
Transcript Abbreviation LawPubAfrs
Course Description Introduces students to the legal environment within which public employees and administrators operate, emphasizing the work of the judiciary, and providing a legal basis for the study of public affairs, with a focus on how the courts engage in the policy making process.
Semester Credit Hours/Units Fixed: 3

Offering Information

Length Of Course 14 Week, 12 Week (May + Summer)
Flexibly Scheduled Course Never
Does any section of this course have a distance education component? No
Grading Basis Letter Grade
Repeatable No
Course Components Seminar
Grade Roster Component Seminar
Credit Available by Exam No
Admission Condition Course No
Off Campus Never
Campus of Offering Columbus

Prerequisites and Exclusions

Prerequisites/Corequisites
Exclusions

Cross-Listings

Cross-Listings

Subject/CIP Code

Subject/CIP Code 44.0401
Subsidy Level Baccalaureate Course
Intended Rank Junior, Senior

Requirement/Elective Designation

Required for this unit's degrees, majors, and/or minors

The course is an elective (for this or other units) or is a service course for other units

Course Details

Course goals or learning objectives/outcomes

- Upon successful completion of this course students will:
- Be able to identify the legal basis for the practice of public affairs, the role of the judiciary, and the separation of powers.
- Understand the environment and structures within which public administrators operate and the impact of various constitutional rights and legal provisions that govern how public employees do their jobs.
- Demonstrate knowledge of law and public affairs through discussion, small group analysis, court case briefs, and related assignments.

Content Topic List

- Role of the administrative state
- Role of street-level contractors
- Public employees and contractors
- Antagonists of the administrative state
- Legal case studies

Attachments

- Poli Sci concurrence for 3500 and 4510.pdf
(Concurrence. Owner: Adams,Christopher John)
- PUBAFRS 4510 11-14-14.docx: Syllabus
(Syllabus. Owner: Adams,Christopher John)

Comments

- See 11/3/14 feedback to K. Hallihan. *(by Vankeerbergen,Bernadette Chantal on 11/03/2014 01:26 PM)*
- Requested to be sent back for revision. *(by Ellwood,Whitney Donnelle on 10/06/2014 11:09 AM)*
- After reviewing the syllabus and discussing the syllabus with other units, our faculty determined that this class was better classified at the 4000 level. The initial proposal was for the class to be listed as Public Affairs 3510 but we would like to change that to Public Affairs 4510. *(by Adams,Christopher John on 07/16/2014 09:42 AM)*

COURSE REQUEST
4510 - Status: PENDING

Last Updated: Greenbaum,Robert Theodore
12/13/2014

Workflow Information

Status	User(s)	Date/Time	Step
Submitted	Adams,Christopher John	01/13/2014 03:51 PM	Submitted for Approval
Approved	Baer,Jillian L	01/13/2014 05:18 PM	Unit Approval
Approved	Brown,Trevor Laurence	01/13/2014 05:21 PM	SubCollege Approval
Approved	Brown,Trevor Laurence	01/13/2014 05:22 PM	College Approval
Revision Requested	Vankeerbergen,Bernadette Chantal	03/11/2014 12:26 PM	Ad-Hoc Approval
Submitted	Adams,Christopher John	07/16/2014 09:42 AM	Submitted for Approval
Approved	Hallihan,Kathleen Mary	07/16/2014 02:32 PM	Unit Approval
Approved	Brown,Trevor Laurence	07/16/2014 05:00 PM	SubCollege Approval
Approved	Brown,Trevor Laurence	07/16/2014 05:01 PM	College Approval
Revision Requested	Vankeerbergen,Bernadette Chantal	07/30/2014 11:02 AM	Ad-Hoc Approval
Submitted	Brown,Trevor Laurence	07/30/2014 09:04 PM	Submitted for Approval
Revision Requested	Adams,Christopher John	09/19/2014 02:30 PM	Unit Approval
Submitted	Adams,Christopher John	09/19/2014 02:31 PM	Submitted for Approval
Approved	Adams,Christopher John	09/19/2014 02:32 PM	Unit Approval
Approved	Adams,Christopher John	09/19/2014 02:32 PM	SubCollege Approval
Approved	Greenbaum,Robert Theodore	09/19/2014 04:31 PM	College Approval
Approved	Newhouse,Melissa Ann	10/06/2014 10:52 AM	OAA Approval
Revision Requested	Ellwood,Whitney Donnelle	10/06/2014 11:09 AM	OUR Approval
Submitted	Hallihan,Kathleen Mary	10/08/2014 04:49 PM	Submitted for Approval
Approved	Hallihan,Kathleen Mary	10/08/2014 04:50 PM	Unit Approval
Approved	Hallihan,Kathleen Mary	10/08/2014 04:51 PM	SubCollege Approval
Approved	Greenbaum,Robert Theodore	10/08/2014 05:06 PM	College Approval
Revision Requested	Vankeerbergen,Bernadette Chantal	11/03/2014 01:26 PM	Ad-Hoc Approval
Submitted	Adams,Christopher John	11/19/2014 01:22 PM	Submitted for Approval
Approved	Hallihan,Kathleen Mary	12/12/2014 02:13 PM	Unit Approval
Approved	Hallihan,Kathleen Mary	12/12/2014 02:14 PM	SubCollege Approval
Pending Approval	Vankeerbergen,Bernadette Chantal	12/13/2014 02:43 PM	Ad-Hoc Approval
Approved	Greenbaum,Robert Theodore	12/13/2014 02:43 PM	College Approval



JOHN GLENN SCHOOL OF PUBLIC AFFAIRS

PUBAFRS 4510

Law and Public Affairs

Autumn 2014

Date/Time: MW 3:55 pm - 5:15 pm

Classroom: TBD

Credit hours: 3

Prerequisites: None

COURSE DESCRIPTION

One critique of the field of public affairs is its overemphasis on the work of the Executive branch and failure to capture the role and significance of the Legislative and Judicial branches in administration. This course introduces students to the legal environment within which public employees and administrators operate, emphasizing the work of the judiciary, and providing a legal basis for the study of public affairs. The purpose of the course is to provide students with a balanced perspective of the constitutional operating environment in the U.S., with a focus on how the courts engage in the policymaking process.¹

The course is designed into two distinct parts. First, students will gain foundational knowledge of the separation of powers and role of the judiciary in the administration of the U.S. This is accomplished by examining a) the formal powers of the administrative state, b) the development and implementation of administrative law, and c) varying individual contexts that have shaped the development of public administration. Second, specific controversial court decisions will be analyzed and objectively discussed. The selected cases show how judges have influenced the development of public policy throughout history.

LEARNING OBJECTIVES

Upon successful completion of this course students will:

- Identify the legal basis for the practice of public affairs, the role of the judiciary, and separation of powers

¹ This course is distinct from Political Science 4130, 4135 and 4137 in that the focus here is on how the legal system impacts the practice of management in the public sector.

- Understand the environment and structures within which public administrators operate and the impact of various constitutional rights and legal provisions that govern how public employees do their jobs
- Demonstrate knowledge of law and public affairs through discussion, small group analysis, court case briefs, exams and related assignments

TEXTBOOK

Rosenbloom, D.H., R. O’Leary, and J. Chanin. (2010). *Public Administration and Law*. 3rd Edition. CRC Press: Boca Raton, FL. ISBN: 9781439803981

GRADING AND ASSIGNMENTS

Class participation 10%
 Case briefs 30% (2@15%)
 Quizzes: 5% (5@1%)
 Midterm examination 25%
 Final examination 30%

Class Participation

Students are expected to attend and participate in class as meaningful discussion of topics and case studies hinge on both preparation and participation. Missing class, not being prepared, and not contributing to course discussion or group activities will adversely affect a student’s participation grade. Participation includes not only discussion of course concepts, but also careful listening and respect for others in the classroom.

Case briefs

There are two case briefs required for the course. Students will have an opportunity to select which two briefs they complete from several opportunities presented during the second half of the semester. Case briefs should be approximately five double-spaced pages and summarize both the majority and dissenting opinions.

Quizzes

Students will take five (5) quizzes throughout the course. Quizzes will cover material from the reading assignment on the day of the quiz.

Examinations

Students will take a midterm final examination in this course. The midterm exam will cover all assigned material from weeks 1-8. The final exam will cover all assigned material from weeks 10-14.

Grading scale

93 - 100	A	80 - 82	B-	68 - 69	D+
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90 - 92	A-	78 - 79	C+	64 - 67	D
88 - 89	B+	73 - 77	C	63 & below	E
83 - 87	B	70 - 72	C-		

COURSE POLICIES

Academic Integrity:

It is the responsibility of the Committee on Academic Misconduct to investigate or establish procedures for the investigation of all reported cases of student academic misconduct. The term “academic misconduct” includes all forms of student academic misconduct wherever committed; illustrated by, but not limited to, cases of plagiarism and dishonest practices in connection with examinations. Instructors shall report all instances of alleged academic misconduct to the committee (Faculty Rule 3335-5-487). For additional information, see the Code of Student Conduct (http://studentaffairs.osu.edu/info_for_students/csc.asp).

Disability Services:

Students with disabilities that have been certified by the Office for Disability Services will be appropriately accommodated. Students should inform the instructor as soon as possible of their needs. The Office for Disability Services is located in 150 Pomerene Hall, 1760 Neil Avenue; telephone 292-3307, TDD 292-0901; <http://www.ods.ohio-state.edu/>.

COURSE OUTLINE

Date	Topics, Readings & Activities
Week 1	M: Course introduction, review of the syllabus W: Introduction to American legal system Read: Walston-Dunham chapters 1-2
Week 2	M: Role of the administrative state Read: Rosenbloom chapter 1 Quiz 1 W: Role of the administrative state, cont.
Week 3	M: Administrative law Read: Rosenbloom chapter 2 W: Guest speaker
Week 4	M: Environmental law

	<p>Read: Rosenbloom chapter 3 Quiz 2</p> <p>W: Environmental law, cont. Read: The Benefits and Costs of the Clean Air Act 1990-2020, EPA</p>
Week 5	<p>M: Street-level encounters Read: Rosenbloom chapter 5 Quiz 3</p> <p>W: Street-level encounters, cont. Read: Lipsky, <i>Street Level Bureaucracy</i>, ch. 2</p>
Week 6	<p>M: Public employees and contractors Read: Rosenbloom chapter 6 Quiz 4</p> <p>W: Public employees and contractors, cont. Case study: TBD</p>
Week 7	<p>M: Inmates/wards of administrative institutions Read: Rosenbloom chapter 7</p> <p>W: Guest speaker</p>
Week 8	<p>M: Antagonists of the administrative state Read: Rosenbloom chapter 8 Quiz 5</p> <p>W: Standing Read: <i>Lewis v Casey</i></p>
Week 9	<p>M: Midterm exam</p> <p>W: M: Privacy Read: <i>TBD</i> Due: Case briefs</p>
Week 10	<p>M: Racial equality Read: <i>Shelley v Kraemer</i> Due: Case briefs</p> <p>W: Gender equality Read: <i>United States v Virginia</i> Due: Case briefs</p>
Week 11	<p>M: Marriage Read: <i>Loving v Virginia</i> Due: Case briefs</p> <p>W: Marriage, cont.</p>

	<p>Read: <i>Perry v Schwarzenegger</i> Due: Case briefs</p>
Week 12	<p>M: Marijuana use Read: <i>Gonzales v Raich</i> Due: Case briefs</p> <p>W: Guns Read: <i>District of Columbia v Heller</i> <i>TBD</i> Due: Case briefs</p>
Week 13	<p>M: Foods, FDA, and labeling Read: <i>International Dairy Foods Association v. Amestoy</i> Due: Case briefs</p> <p>W: Health care Read: <i>US Department of HHS v State of Florida</i> Due: Case briefs</p>
Week 14	<p>M: Cyber-bullying Read: <i>US v Lori Drew</i> Due: Case briefs</p> <p>W: Final examination review</p>
Week 15	<p>Final examination</p>

From: [Brown, Trevor](#)
To: [Adams, Christopher](#); [Hallihan, Kathleen](#); [Hawley, Joshua](#)
Subject: FW: concurrence request
Date: Thursday, July 10, 2014 5:23:13 PM
Attachments: [osu-emailsig.png](#)
[image001.png](#)

Bang bang



Trevor Brown

Director

[John Glenn School of Public Affairs](#)

350C Page Hall | 1810 College Road, Columbus, OH 43210

glenn.osu.edu

Recently published: *Complex Contracting -- Government Purchasing in the Wake of the US Coast Guard's Deepwater Program* (Cambridge University Press). Pick up a copy from [Cambridge](#) or [Amazon](#).

From: Herrmann, Richard
Sent: Thursday, July 10, 2014 2:49 PM
To: Brown, Trevor
Cc: Mitzen, Jennifer; Minozzi, William M.
Subject: Re: concurrence request

Dear Trevor,

I have now had the chance to speak with the DUGS in Political Science and read through the correspondence on these PA courses. I see the distinction between the Glenn School courses that take a managerial approach to the subject matter and the political science courses that go in a study of governance direction. Consequently, I concur on PA 3500 and PA 4510.

I would like to get together with you and discuss how your program and ours can work together to provide a rich environment for students here at Ohio State. I'd also like to get back to the idea of an institute for the study of regulatory policy and the proposal you had regarding the training of election officials. I've discussed the latter idea several times with Ned Foley and Steve Huefner. My calendar is pretty flexible next week and I could meet most any day. I'm free for lunch Tuesday, Wednesday, and Thursday. We could meet for lunch at the Faculty Club at noon if one of those days works for you. I'd like to include Jennifer Mitzen, the new DUGS here, and William Minozzi who is taking over in political science as field coordinator for the study of American Politics.

Sincerely,

Rick

Richard K. Herrmann

Professor and Chair

Department of Political Science

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614-292-9843 Office

herrmann.1@osu.edu

On Jul 3, 2014, at 10:11 AM, Brown, Trevor wrote:

Hi Eric,

Thanks again for the concurrence for PA 4000 and 3110.

Our faculty have now had a chance to review the potential overlap between PA 3500 and 4510 with Political Science courses to determine whether changes need to be made. Our thorough examination of all the syllabi shows essentially no overlap. Below you'll find their responses summarized for each course.

PA 3500 and PS 4115

The two courses are fundamentally different in terms of their key goal/purpose. The main purpose of Public Affairs 3500 ("Public Management") is to provide aspiring public sector managers with the skills/tools necessary to work within public organizations. The key questions that students will explore in the course are: (1) What makes an organization public; (2) How have public organizations changed/evolved over time; (3) How does the operating environment (internal and external) of public organizations influence its structure and performance/behavior; (4) How is the performance of public organizations measured; and (5) What makes for an effective public manager? In contrast, the main purpose of Political Science 4115 ("Bureaucracy and Public Policy") is to provide students with a thorough understanding of how statutes are implemented by the U.S. federal government. The course examines the often-neglected "black box" of bureaucratic rulemaking, with a focus on regulation of tobacco, arsenic in drinking water, fuel economy standards, passive restraints in automobiles, and contraceptives. The required textbooks for the two courses (shown below) also are different. While the textbook for the first course focuses on the management of public organizations, the textbooks for the other course focuses primarily on the processes of bureaucratic rulemaking.

Public Affairs 3500	Cohen, Steven, William Eimicke, and Tanya Heikkila. 2013. <i>The Effective Public Manager: Achieving Success in a Changing Government</i> . 5th edition. Jossey-Bass: San Francisco. ISBN: 978-1-118-55593-4.
Political Science 4115	A. Lee Fritschler and Catherine E. Rudder. 2006. <i>Smoking and Politics: Bureaucracy Centered Policymaking</i> . Prentice-Hall, Sixth Edition. David E. Lewis and Jennifer L. Selin. 2012. <i>Sourcebook of United States Executive Agencies</i> . Administrative Conference of the United States, First Edition, 2012.

There are only two areas where they overlap: (1) discussion of the federal personnel system and design/structure of federal agencies. These two topics are covered in the weeks five and six of the

Political Science 4115 and in weeks three and six of the Public Affairs 3000. That represents a very small portion of the two classes and given the significantly different foci of the two courses, the presentation of the material is different. The other topics covered in Public Affairs 3500 (i.e., budgetary process and resource allocation, diffusion and adoption of innovation, contract design and management, communication skills, and performance management skills) are not covered in the Political Science 4115.

The two syllabi also require significantly different assignments.

In short, we found insufficient overlap to justify making any changes to PA 3500. The two courses are fundamentally different.

PA 4510 and PS 4130, 4135 and 4137

As is the case with PA 3500 and PS 4115, PA 4510 and the three PS courses have fundamentally differently course objectives. The course objectives for PA 4510 center on two key areas - a) legal basis for the **practice** of public affairs (to include an understanding of the role of judiciary and separation of powers), and b) the environment and **structures within which public managers operate** and the impact of constitutional rights and legal provisions that **govern how public employees do their jobs**. The added emphasis here is to signal that the proposed PA course examines how the legal system impacts the practice of management in the public sector. This is not a stated objective in any of the PS classes. This is the primary reason that this is a very common course in undergraduate public affairs programs.

In terms of content overlap, the first part of PA 4510 is structured to discuss various topics relying on chapter readings from a public administration textbook (Rosenbloom, O'Leary and Chanin, Public Administration and the Law. In line with the goals of the course, this text book focuses on how the law impacts the practice of public administration. The second half of the course focuses on policy topics wherein specific court cases are named and scheduled for reading/discussion for that session.

The only course with any overlap is PS4135 American Constitutional Law and Governmental Powers. One of the course objectives is to discuss **separation of powers** with a focus on constitutional limits of power and the role of the judiciary. However, while both PA 4510 and PS 4135 discuss the separation of powers, the purpose differs substantially. PA 4510 examines the separation of powers to understand how this frames the context of managerial decision making and discretion. The two courses also share the examination of one case: Gonzales v Raich. It is one of five cases discussed in the session "Limits of the commerce clause" in PS 4135. The approach for PA 4510 is to examine cases as they relate to specific policy areas, in this case drug use. While both courses examine the same case, they do so for different purposes.

There is no overlap of course objectives or court cases in the other two PS courses.

Again, we find insufficient overlap to justify making any changes to PA 4510.

I'd be happy to get together with you to discuss this further if you like, but given that the two proposed courses have significantly different purposes and there is only trivial overlap with any Political Science courses I don't know that it's necessary.

We look forward to your concurrence on these two courses.

Sincerely,

Trevor

The Ohio State University



Trevor Brown

Director

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Recently published: *Complex Contracting -- Government Purchasing in the Wake of the US Coast Guard's Deepwater Program* (Cambridge University Press). Pick up a copy from [Cambridge](#) or [Amazon](#).

From: MacGilvray, Eric

Sent: Tuesday, May 06, 2014 11:46 AM

To: Brown, Trevor

Cc: Haddad, Deborah; Herrmann, Richard

Subject: Re: concurrence request

Dear Trevor,

The Political Science can concur in PUBAFRS 4000 and, as I said in my previous note, 3110. However we do not concur in PUBAFRS 3500 or 4510 as proposed. My colleagues are concerned, and I agree, that these courses substantially replicate existing Political Science offerings. Specifically, PUBAFRS 3500 overlaps substantially with POLSCI 4115 (Bureaucracy and Public Policy), and PUBAFRS 4510 overlaps substantially with POLITSC 4130 (Law and Politics), 4135 (American Constitutional Law), 4136 (Civil Liberties) and 4137 (Politics of Legal Decision Making). In the latter case our concerns are “generic,” in that it seems to us that this is the kind of course that is traditionally offered in a Political Science department.

Please let me know if you have any questions.

Eric

ERIC MacGILVRAY

Associate Professor

Director of Undergraduate Studies

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On Apr 21, 2014, at 2:01 PM, Brown, Trevor <brown.2296@osu.edu> wrote:

Eric,

The Glenn School faculty has recently approved four new courses for the specializations in our undergraduate major: PUBAFRS 3110 (education policy), PUBAFRS 3500 (Public Management), PUBAFRS 4510 (law and public affairs), and PUBAFRS 4000 (public policy evaluation). As part of the approval process, ASC has requested that we receive concurrence from Political Science for these courses. Attached are the syllabi for your review.

I am happy to answer any questions you might have about the courses. We are hoping to submit our final package to the ASC Curriculum Office by April 30, so do let us know as soon as possible if you have issues or concerns.

Thank you, Trevor

<image001.png>

Trevor Brown

Director

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Recently published: *Complex Contracting -- Government Purchasing in the Wake of the US Coast Guard's Deepwater Program* (Cambridge University Press). Pick up a copy from [Cambridge](#) or [Amazon](#).

<PUBAFRS 3110.pdf><PUBAFRS 3500.pdf><PUBAFRS 4510.pdf><PUBAFRS 4000.pdf>