GEORGIA STATE UNIVERSITY
ANDREW YOUNG SCHOOL OF POLICY STUDIES
DEPARTMENT OF PUBLIC MANAGEMENT AND POLICY

SYLLABUS
PMA 4411 (CRN 83241)
FALL 2017
INTRODUCTION TO LAW FOR PUBLIC AND
NONPROFIT MANAGERS
AUGUST 21, 2017

COURSE INFORMATION

Instructor: Jim Martin, Clinical Associate Professor (referred to in this syllabus as “I” or “me”)

Office: Room 348, 3rd Floor Andrew Young School of Policy Studies Building, 14 Marietta St., Atlanta, Georgia.

Telephone: (404) 413 0120

Email: Email communications between students (referred to in this syllabus as “you”) and me are through the iCollege website. However, if you experience a problem communicating with me through iCollege, my personal email address is jimmartin@gsu.edu.

Class Time: Tuesday and Thursday 1:00 p.m.-2:15 pm.

Classroom: Room 218 Langdale Hall

Office Hours: My office hours, when I am scheduled to be available to meet with you or talk with you over the phone, are listed below. Also, I can meet with you or talk with you over the phone at other times by prior arrangement. Of course, if I am in my office at any other time, I will be happy to talk with you by phone or meet with you if I am able.

Monday 6:00-7:00 p.m.
Tuesday 11:30 a.m.-12:30 p.m.
Wednesday: 6:00-7:00 p.m.
Thursday: 11:30 p.m. - 12:30 p.m.

Or by appointment.

1 This syllabus is based in part on the syllabus prepared by Karen Ubell and Jim Martin for the PMAP 8411 course we taught in the Spring Semester 2010.
IMPORTANT NOTICE

Public law and public institutions are the subject of wide debate in this country. As a result of the Presidential election of 2016, this debate has intensified and new issues are arising constantly. In order to give you a current understand of public law and public administration, changes may be made in the issues discussed and the materials and examples used in this course. Although the assumption of this course is that public law and public institutions are important, this course does not advocate for a particular political point of view. A healthy and respectful debate in class on current issues is encouraged. In fact, I believe the resolution of some of the most critical issues you will face as a public administrator, nonprofit leader, or engaged citizen depends on effective debate and compromise.

COURSE DESCRIPTION

Using the excellent textbook written by Professor Cooper, the course covers in a comprehensive manner the legal issues associated with public and nonprofit management. In the nonprofit law portion of the course, we use additional assigned readings. To understand the subject we are discussing, you need to read the assigned material before class. This course is not like a law school course on administrative law with a narrow practical focus. This course considers the broad policy issues associated with public law and public management. Like a law school course, however, class discussion and debate are encouraged. On occasion, I will supplement the course with additional readings, guest lecturers and field trips including a trip to the Georgia State University Law Library. I will place the additional readings on iCollege.

COURSE OBJECTIVES

Upon successfully completing the class, you will have the following competencies. The exams and assignments in this course are designed to measure your mastery of these competencies:

- The ability to communicate effectively about legal issues associated with public and nonprofit management.
- An understanding of the legal principles and concepts that govern public and nonprofit administration including contract administration.
- The ability to identify and research legal issues that arise in the course of public and nonprofit management and make decisions based on your analysis.
- An appreciation of the importance of competent public and nonprofit managers to society.
- The ability to apply the law to form new innovative policies and to improve public and nonprofit administration at the local, state, national, and
international levels.

- Knowledge of administrative law, including rulemaking, adjudication of administrative action, and judicial review of administrative action.
- Knowledge of nonprofit law in the areas of charitable giving, advocacy, lobbying, commercial activity, fundraising and employee compensation.

REQUIRED BOOK


COURSE REQUIREMENTS

**Overall:** I require you to read the assignment for each class before class and to stay up-to-date with the course via iCollege. The class lecture and discussion are designed to expand on the material you have read for the class. If you miss a class, you are responsible for obtaining any information you missed. This course syllabus provides a general plan for the course. Deviations may be necessary.

**Class Attendance:** I expect you to prepare for class and attend class promptly. Please communicate with me in advance if it is necessary for you to be late or absent.

**Use of Electronic Devices:** Except as provided in this paragraph, I prohibit the use of cell phones, pagers, and electronic equipment in class. You may use a laptop or similar device for class purposes but may not use the device for any other purpose.

**Class Participation:** Class participation is a significant course requirement (5% of the grade). Attendance is an important element of class participation. The quality of participation is more important than the quantity. To ensure that we consider multiple points of view, I will call on you on occasion to answer a question based on the readings and the discussion. Each class is designed to build on the readings assigned and to engage students in contributing to their learning experience through student discussion of the readings.

**Assignments:** There are two assignments during the semester. I review the assignments for completeness, effort, accuracy of analysis, relevance of research and thoughtfulness in responding to the questions presented. I design the assignments to facilitate your understanding of the practical application of the law. Each assignment counts 15% of the final grade. Please see the course schedule below for due dates for the assignments.

**Examinations:** The course includes a midterm exam that accounts for 35% of your grade for the course and a final exam that accounts for 30% of your grade for
the course. I may allow a make-up exam if the request is consistent with University policy and made before the scheduled exam time.

ASSIGNMENT FORMAT AND REQUIREMENTS

You must submit all written work in Microsoft WORD on iCollege.

The official style manual of the Department of Public Management and Policy is Kate L. Turabian, A Manual for Writers of Term Papers, Theses, and Dissertations, Sixth Edition.

While this is the official style manual of the Department of Public Management and Policy, you may use other style manuals if you correctly follow the manual.

Unless excused by me for reasonable cause, if you fail to turn in the assigned exercises by the beginning of class on the day the exercises are due, your grade will be reduced. The maximum deduction is 30 points. If you do not turn in an assignment, you will receive a grade of 59 (F) on the assignment.

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<thead>
<tr>
<th>Grading Category</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Class Participation</td>
<td>5%</td>
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<tr>
<td>Written Assignments</td>
<td>30%</td>
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<tr>
<td>Midterm</td>
<td>35%</td>
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<tr>
<td>Final Exam</td>
<td>30%</td>
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<td>Total</td>
<td>100%</td>
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I base grades on a 100-point system. I do not round grades upward; thus, an average of 89.9 is a grade of B+. Address any questions you may have about your grade(s) to me in writing. Points earned on each of the previous elements are totaled, and letter grades are assigned as follows:

<table>
<thead>
<tr>
<th>Total Points Earned</th>
<th>Letter Grade for the Course</th>
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<tbody>
<tr>
<td>98-100</td>
<td>A+</td>
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<tr>
<td>93-97</td>
<td>A</td>
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<tr>
<td>90-92</td>
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<tr>
<td>88-89</td>
<td>B+</td>
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<tr>
<td>83-87</td>
<td>B</td>
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<td>80-82</td>
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<td>73-77</td>
<td>C</td>
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<td>70-72</td>
<td>C-</td>
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<tr>
<td>60-69</td>
<td>D</td>
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<tr>
<td>Less than 60</td>
<td>F</td>
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STUDENTS WITH DISABILITIES

I encourage students with disabilities to take this course. If you are a student who wishes to request accommodation for a disability, you may do so by registering with the Office of Disability Services. The University allows me to make an accommodation upon the issuance by the Office of Disability Services of a signed Accommodation Plan. You are responsible for providing a copy of that plan to me and all of your other instructors of classes in which you seek accommodations.

ACADEMIC HONESTY

Academic Honesty: The University requires you to follow Georgia State University’s Policy on Academic Honesty. You may find the policy in the Student Handbook 2017-18, http://studenthandbook.gsu.edu/. The introduction to the policy reads in part as follows:

As members of the academic community, students are expected to recognize and uphold standards of intellectual and academic integrity. The University assumes as a basic and minimum standard of conduct in academic matters that students be honest and that they submit for credit only the products of their own efforts. Both the ideals of scholarship and the need for fairness require that all dishonest work be rejected as a basis for academic credit. They also require that students refrain from any and all forms of dishonorable or unethical conduct related to their academic work.

The University Policy on Academic Honesty is published in the Faculty Handbook (http://www2.gsu.edu/~wwwfhb/fhb.html) and the Student Handbook, On Campus, which is available to all member of the University community (http://studenthandbook.gsu.edu/). Academic honesty is a core value of the University, and all members of the University community are responsible for abiding by the tenets of the policy. Georgia State students, faculty, and staff, are expected to report all instances of academic dishonesty to the appropriate authorities. The procedures for such reporting are outlined below and on file in the offices of the deans of each college, the office of the Dean of Students, and the Office of the Provost.

Lack of knowledge of this policy is not an acceptable defense to any charge of academic dishonesty. In an effort to foster an environment of academic integrity and to prevent academic
dishonesty, students are expected to discuss with faculty the expectations regarding course assignments and standards of conduct. Students are encouraged to discuss freely with faculty, academic advisors, and other members of the University community any questions pertaining to the provisions of this policy. In addition, students are encouraged to avail themselves of programs in establishing personal standards and ethics offered by the University.

The Georgia State University’s Policy on Academic Honesty provides penalties for violations of the policy:

Penalties to be imposed in incidents of academic dishonesty are classified as academic or disciplinary. Academic penalties include assignment of a failing grade for a particular course requirement, or for the course itself, or for other tests or program assignments. They are set by the faculty member, in consultation with the department chair.

Disciplinary penalties can be sought in addition to those considered academic and could include, but are not limited to, the following: suspension, expulsion, transcript annotations (temporary for a period of five years or permanent as designated). Course credit earned at others institutions while on suspension may not be transferred to GSU. Disciplinary penalties can be requested by the faculty member, in consultation with the chair; they must be reviewed by the University Senate Committee on Student Discipline, and they are set by the provost.

iCOLLEGE AND COMMUNICATIONS

A website for the course is available on-line through iCollege. The website includes the course syllabus, supplemental readings, and additional information I may post. Email communications between you and me are through the class iCollege website. For this reason, you need to check your iCollege frequently. However, if you experience a problem communicating with me through iCollege, my personal email address is jimmartin@gsu.edu.

You may access the iCollege website through the GSU homepage at www.gsu.edu. See the icon in the top right corner for the link. You are responsible for any material that I post on iCollege.
ADVICE AND ASSISTANCE

You are responsible for contacting me when you are having trouble understanding the material or requirements of the course. I am available during office hours or by appointment.

ANDREW YOUNG SCHOOL CAREER SERVICES AND STUDENT LIFE OFFICE

Website: http://career.aysps.gsu.edu/

The Andrew Young School provides career planning services and student leadership opportunities (student clubs and organizations) to all current AYS students and alumni. AYS Career Services can help students with resume writing, interviewing, job searching, internship development, preparing for graduation school, and networking. Students are invited to attend our career events and workshops, and individualized career counseling appointments can be arranged. To see what career panels, career fairs, and events are available this semester, please visit the AYS Career Services website. The office also supports all AYS student clubs and organizations – so read about the various groups within the college, and join one today: http://career.aysps.gsu.edu/organizations/ The AYS Career Services and Student Life office is located on the ground floor of the Andrew Young Building, in rooms G47.

You may schedule an appointment at http://career.aysps.gsu.edu/ or visit during walk-in hours: T: 12:30-2:30 pm | W: 2-4 pm.

Other Necessary Information

The University requires me to do the following:

1. Give a WF to all those students who are on the roll after the midpoint of the semester, but no longer actively taking this class,
2. Report the last day the student attended or turned in an assignment, and
3. Handle any cases of plagiarism or cheating according to university guidelines as outlined in the student handbook.

Teacher Evaluation:

Your constructive assessment of this course plays an indispensable role in shaping education at Georgia State. Upon completing the course, please take the time to fill out the online course evaluation.
Disclaimer:
The course syllabus provides a general plan for the course; deviations may be necessary. I can make deviations at my discretion.

**COURSE SCHEDULE AND READING ASSIGNMENTS**

<table>
<thead>
<tr>
<th>DATE</th>
<th>TOPIC AND READING ASSIGNMENT</th>
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<tbody>
<tr>
<td>AUGUST 22</td>
<td><strong>INTRODUCTION</strong></td>
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<tr>
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<td><strong>Reading:</strong> Course syllabus.</td>
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<td>AUGUST 24</td>
<td><strong>SURVEY OF COURSE</strong></td>
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<td><strong>Reading:</strong> Textbook pp. iii-xii.</td>
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<tr>
<td>AUGUST 29</td>
<td><strong>FOUNDATION OF ADMINISTRATIVE JUSTICE</strong></td>
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<td><strong>Reading:</strong> Textbook chapter 1, pp. 1-23.</td>
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<td>AUGUST 31</td>
<td><strong>HISTORY OF LAW AND ADMINISTRATION.</strong></td>
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<tr>
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<td><strong>Reading:</strong> Textbook chapter 4, pp. 86-99.</td>
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<td>SEPTEMBER 5</td>
<td><strong>HISTORY OF LAW AND ADMINISTRATION.</strong></td>
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<td><strong>Reading:</strong> Textbook chapter 4, pp. 99-132.</td>
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<tr>
<td>SEPTEMBER 7</td>
<td><strong>LAW IN BOOKS; AN INTRODUCTION TO LEGAL RESEARCH.</strong></td>
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<td><strong>Reading:</strong> Textbook chapter 2, pp. 28-51.</td>
</tr>
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<td><em>Assignment #1 posted.</em></td>
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<tr>
<td>SEPTEMBER 12</td>
<td><strong>LAW IN ACTION; AN INTRODUCTION TO LEGAL REASONING.</strong></td>
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<td></td>
<td><strong>Reading:</strong> Textbook chapter 3, pp. 55-80.</td>
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<tr>
<td>SEPTEMBER 14</td>
<td><strong>THE ADMINISTRATIVE PROCEDURE ACT</strong></td>
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<td></td>
<td><strong>Reading:</strong> Textbook pp. 136-140.</td>
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SEPTEMBER 19  AGENCY RULEMAKING.

Reading: Textbook chapter 5; pp. 133-180.

Assignment #1 due.

SEPTEMBER 21  ADMINISTRATIVE ADJUDICATION.

Reading: Textbook chapter 6, pp. 188-231.

SEPTEMBER 26  MATHews v. ELDRIDGE

Reading: Textbook Appendix 1, pp. 580-622.

SEPTEMBER 28  JUDICIAL REVIEW.

Reading: Textbook chapter 7, pp. 239-283.

OCTOBER 3  MIDTERM REVIEW.

OCTOBER 5  MIDTERM.

OCTOBER 10  DISCUSSION OF MIDTERM

OCTOBER 12  INFORMAL PROCESS


OCTOBER 17  ADMINISTRATIVE DISCRETION.

Reading: Textbook chapter 9, pp. 310-341.

OCTOBER 19  POLITICS IN ADMINISTRATIVE REGULATION.

Reading: Textbook chapter 10, pp. 348-374.

OCTOBER 24  INFORMATION POLICY.

Reading: Textbook chapter 11, pp. 431-439.

OCTOBER 26  INFORMATION POLICY (CONTINUED).

OCTOBER 31  THE LAW AND PUBLIC EMPLOYEES.

Reading: Textbook chapter 12, pp. 473-480.

NOVEMBER 2  THE LAW AND PUBLIC EMPLOYEES (CONTINUED).

Reading: Textbook chapter 12, pp. 480-509.

NOVEMBER 7  NONPROFIT LAW, AN OVERVIEW.

Reading: Class lecture notes.

NOVEMBER 9  FORMATION OF NONPROFIT ORGANIZATIONS, GOVERNANCE OF NONPROFIT ORGANIZATIONS, AND NONPROFIT ORGANIZATION LIABILITY.

Reading: Class lecture notes.

Assignment #2 posted.

NOVEMBER 14  ACQUIRING AND MAINTAINING TAX-EXEMPT STATUS; PUBLIC CHARITIES AND PRIVATE FOUNDATIONS.

Reading: Class lecture notes.

NOVEMBER 16  NONPROFIT REPORTING AND DISCLOSURE REQUIREMENTS.

Reading: Class lecture notes.

Assignment #2 due.

NOVEMBER 28  CHARITABLE GIVING; FUNDRAISING REGULATION; UNRELATED BUSINESS ACTIVITIES; REVIEW.

Reading: Class lecture notes.

NOVEMBER 30  NONPROFIT LAW REVIEW FOR FINAL

DECEMBER 5  FINAL EXAMINATION