POS 4604.001: American Constitutional Law II

Course Info

- Term: Spring 2020
- Class Meeting Days/Times: Tuesdays and Thursdays, 10:30-11:50am (80 minutes)
- Class Location: CB1, Room 319
- Credits: 3

Instructor Info

- Instructor: Eric Merriam, J.D., LL.M.
- Fall Semester Office: Legal Studies Dept, Suite 430, DPAC (Downtown Campus)
- Spring Semester Office: Political Science Dept, Suite 305, HPH (Where's this?)
- Office Hours:
    - **Tuesdays**
        - 1-2pm (HPH office - Political Science Dept)
    - **Thursdays**
        - 1-4pm (HPH office - Political Science Dept)
- Office Phone: 407-823-3074
- e-mail: eric.merriam@ucf.edu

Course Description

American Constitutional Law explores the United States Constitution and the interpretation of its text, primarily through digesting Supreme Court opinions. American Constitutional Law II focuses on the individual liberties guaranteed by the Constitution and what happens when government authority and individual liberties conflict. Though the U.S. Constitution establishes a wide variety of individual liberties, we will examine the development of the Supreme Court's jurisprudence regarding individual liberties in two significant areas: Equal Protection (Fourteenth Amendment) and Substantive Due Process (Fifth and Fourteenth Amendments). **University Course Catalog Description:** Development of civil liberties and civil rights in the American federal system.

Student Learning Outcomes

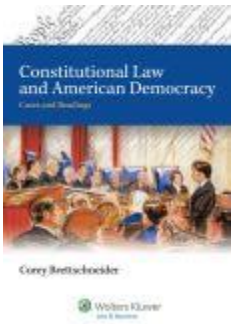
Upon completion of this course, students should:

1. Analyze and appreciate how, why, and to what extent the Constitution protects certain individual liberties;
2. Comprehend the role of the Supreme Court as the ultimate interpreter of the Constitution and in addressing politically controversial issues;
3. Understand and apply judicial philosophies/modes of constitutional interpretation in deciding cases and evaluating selected legal problems; and
4. Improve critical thinking and legal problem-solving skills.

Course Prerequisites

ENC 1102 (Freshman Composition II), POS 2041 (American National Government), or consent of the instructor. Though not required, you may want to take POS 4284 (Judicial Process and Politics) or POS 4603 (American Constitutional Law I) prior to taking this class.

Required Text



Constitutional Law and American Democracy, Dr. Corey Brettschneider,
ISBN 9780735579828

Course Policies and Expectations

Academic Conduct: Academic dishonesty in any form will not be tolerated. If you are uncertain as to what constitutes academic dishonesty, please consult The Golden Rule, the University of Central Florida's Student Handbook (http://www.goldenrule.sdes.ucf.edu/) for further details. As in all University courses, The Golden Rule Rules of Conduct will be applied. Use of unauthorized resources is prohibited. Violation of academic conduct requirements will result in a record of the infraction being placed in your file and, at a minimum, receiving a zero for the graded assessment in question. At the instructor's discretion, you may also receive a failing grade for the course. Confirmation of such incidents can also result in expulsion from the University. The plagiarism checker turnitin.com is used for written assignments.

There are many websites claiming to offer study aids to students that are actually facilitating cheating (ex., Quizlet). Such sites encourage students to upload course materials, such as test questions, individual assignments, and examples of graded material. **Such materials are the intellectual property of instructors, the university, or publishers and may not be distributed without prior authorization. If a student has reason to believe that the material on the study website is an actual assessment (quiz, discussion, exam, etc.), they must report that to the instructor. Students may not share/post discussion/exam/quiz questions or answers on any study website. Students who engage in such activity are in violation of academic conduct standards and may face penalties, including failing this course, having a grade for this course later changed when improper posting is discovered, and other penalties imposed by UCF.**

Academic Engagement: To ensure that all eligible students receive their financial aid in a timely manner, UCF requires students demonstrate engagement very early in the term. In this course, this takes the form of a quiz during the first week, for which extra credit is also available.

Accessibility: The University of Central Florida is committed to providing access and inclusion for all persons with disabilities. Students with disabilities who need disability-related access in this course should contact the professor as soon as possible. Students should also connect with Student Accessibility Services (SAS) <http://sas.sdes.ucf.edu/> (Ferrell Commons 185, sas@ucf.edu, phone 407-823-2371). Through Student Accessibility Services, a Course Accessibility Letter may be created and sent to professors, which informs faculty of potential access and accommodations that might be reasonable. Determining reasonable access and accommodations requires consideration of the course design, course learning objectives and the individual academic and course barriers experienced by the student.

Accommodation: If you believe observance of your religious faith requires accommodation, please contact me at least one week in advance of the date for which you wish to request an accommodation. If you are a deployed active duty military student and feel that you may need special accommodation due to that unique status, please contact me to discuss your circumstances.

Attendance: Attendance at each class is expected and is a significant component of your course grade. Each full class you attend is worth four points. Attending a "full class" means you have signed the daily attendance sheet by the designated class start time or before I'm done taking attendance, whichever is later, and not departing the class until dismissed. You will earn three attendance points if you attend a substantial (greater than 75%) of a class, but arrive late or leave early. No credit will be earned for attending less than 75% of a class. I do not track "excused absences" or "excused tardies." Attend and earn credit or don't attend and do not earn credit. You do not need to tell me why you are absent. **Failure to earn at least 60 attendance points will result in automatic course failure, regardless of the student's grade otherwise. If your personal circumstances will cause you to regularly miss or be late to class, I strongly recommend you reconsider taking this course this semester.** Please see the Attendance "assignment" for more details.

At this time I do not anticipate using any technology (clicker, mobile app, etc.) to record attendance, but I reserve the right to change this policy during the term should it become necessary.

Class Preparation and Participation: This course is highly interactive; your regular preparation and participation are critical to your learning. To participate effectively, you must be prepared for each class. Assigned readings are intentionally manageable in size; you are expected to complete them all. Preparation and Participation points will be based on my assessment of your consistent preparation, meaningful participation, initiative, leadership, maturity, professionalism, and contribution to whole-class and group discussion that benefits your classmates. This will be based primarily on your contributions when you are a member of the Expert Panel, but also based on contributions during general class discussion and other in-class activities. Quality participation can take several forms, answering a question posed by another student or me, including asking an informed question, responding to another student's comment, raising a relevant legal issue that is in the news ("current events"), or otherwise participating in the discussion in a relevant way. Questions or comments that are particularly insightful or that demonstrate a superior understanding or thought process particularly benefit the class. Your preparation and participation are an indication of your professionalism -- be excellent! Students will be given the opportunity to provide their own input for their Preparation and Participation through a self-assessment. I understand you have other time commitments and that some people are naturally more shy than others. **If you do not intend to be prepared for class and participate meaningfully in class discussion, do not take this course!**

Collaboration: All graded events are individual effort (no collaboration) only unless otherwise explicitly directed. You are welcome (encouraged!) to use the University Writing Center (UWC) to improve your written work product. The UWC is a free resource for UCF undergraduates and graduates. At the UWC, a trained writing consultant will work individually with you on anything you're writing, at any point in the writing process from brainstorming to editing. Appointments are recommended, but not required. For more information or to make an appointment, visit the UWC website at http://www.uwc.ucf.edu, stop by MOD 608, or call 407.823.2197.

Communication with Professor: Regularly check your KnightsMail and Webcourses email and look for Announcements here in the course for important information. **Ensure your Webcourses notifications settings let you know when you've received a new "Inbox message" (email) or "course announcement" from me.** You are responsible for all information communicated by me through Webcourses. You are welcome to converse with me by email (Webcourses's Inbox messaging is preferred), phone, or other mutually agreed communication technology (likely Skype or something similar). You can generally expect to get a response from me to emails within 24-48 hours on business days; communication on the weekend or holidays may take longer. If extended substantive discussion or explanation of course material is required, in person conversation is preferred to written communication. Also, please be aware that I am not permitted to communicate by email to any address other than through Webcourses or to your official KnightsMail address.

Copyright. This course may contain copyright-protected materials such as audio or video clips, images, text materials, etc. These items are being used with regard to the Fair Use doctrine in order to enhance the learning environment. Please do not copy, duplicate, download or distribute these items. The use of these materials is strictly reserved for this online classroom environment and your use only. All copyright materials are credited to the copyright holder.

Grades:

I will provide detailed guidance regarding specific graded assessments throughout the course, but here is an overview:

Assessment	**Percentage of Overall Course Grade**
Block I&II Exam	15%
Block II Judicial Opinion	15%
Block III Exam	20%
Final Judicial Opinion	25%
Preparation and Participation	10%
Attendance	15%
Course Total	**100%**
Extra Credit: Course Intro Quiz	up to an add'l 1%
Extra Credit: PBS Screening	up to an add'l 2%

Graded Assessment Descriptions:

Attendance see description above

Block Exams are short, objective tests covering material in the reading or discussed in class. Questions may be true/false, multiple choice, fill in the blank, short answer, or similar objective questions (there is a correct answer). Block Exams are *not* cumulative -- they test only material within the relevant blocks.

Judicial Opinions are long-form written judicial opinions that will call upon a complex understanding of material considered up to that point in the course. Judicial Opinions will require substantial effort and will be submitted through Webcourses's turnitin.com interface. Unlike Block Exams, Judicial Opinions *are* cumulative, meaning knowledge and skills developed up to that point in the course may be assessed. More information will be provided separately.

Preparation and Participation: see description above ("Class Preparation and Participation")

Extra Credit: Course Intro Quiz. After reviewing the content of the entire "Course Intro" Module in Webcourses, take the Course Intro Quiz. The quiz fulfills the "academic engagement" requirement for Financial Aid purposes and must be completed on time for Financial Aid to process. Must be taken by the deadline to receive any extra credit. Please note that though you will know your score as soon as you take the quiz, your score will not be reflected in your grade until the term ends.

Extra Credit: PBS Screening. I anticipate an opportunity for additional extra credit for attending a screening of a constitutional law-related PBS program. Attendance will be required. This extra credit opportunity is not guaranteed and no substitute extra credit opportunity will be offered.

Final Exam: Because the Final Judicial Opinion is a substantial project and is cumulative in nature, there is no "final exam" in this course.

Grading Scale: 93-100: A; 90-92: A-; 87-89: B+; 83-86: B; 80-82: B-; 77-79: C+; 73-76: C; 70-72: C-; 67-69: D+; 63-66: D; 60-62: D-; Below 60: F

Late Work. Assignments are due by the date and time specified in Webcourses. Pay very careful attention to due dates and times. Just as with court filings, you must submit your work on time. If you have questions about when something is due, check the assignment in Webcourses or ask the instructor. Late work will be penalized as follows: 1 minute to 24 hours late, reduction of 25% of maximum available points. ***No credit* will be given for assignments submitted more than 24 hours late**. Deadline extensions for assignments or excusals from in-class graded assessments are granted rarely. Extensions must be requested before the deadline for the assignment (unless student is incapable of communication), and are at the sole discretion of the professor. If an extension is granted, it will only be for truly unforeseen and unforeseeable circumstances that prevented timely submission of the assignment. Such circumstances include:

1. Student's unforeseen medical *emergency* within the 24 hours prior to the deadline that render the student incapable of thinking or communicating coherently;
2. Hospitalization of the student, member of student's immediate family, or student's roommate, within the 24 hours prior to the deadline (hospitalization means admission into an overnight hospital);
3. Death of a member of student's immediate family, roommate, or significant other within the week prior to deadline;
4. Vehicle *accident* (not maintenance issue) that delays ability to be in class;
5. Students complying with an approved Student Accessibility Services agreement; and
6. Students who represent the university in an authorized event or activity (for example, student athletes) and who are unable to meet a course deadline due to a conflict with that event. Such students must provide the instructor with documentation in advance to arrange a make-up. No penalty will be applied. For more information, see the UCF policy.

Details and proof of above may be required. Events that **will not** qualify for deadline extensions include:

1. being "busy" with other academic or non-academic obligations;
2. conflicting work obligations;
3. vehicle maintenance issues;
4. sickness other than of the severity described above.

You can access your course scores at any time using Webcourses. Please note that grades are not official until I submit them to the Registrar at the end of the semester (when you'll be able to view them at **myUCF Grades)**.

Office Hours: I will be generally available during posted office hours (and you are absolutely free to just drop by), but I *recommend* you make an appointment in advance (email is best for making appointments).

Plagiarism: You are expected to familiarize yourself with UCF's policy on plagiarism. All work you submit must be your own scholarly and creative efforts. UCF's Golden Rule defines plagiarism as follows: "**whereby another's work is used or appropriated without any indication of the source, thereby attempting to convey the impression that such work is the student's own.**" Written assessments in this course may use a plagiarism checker, such as turnitin.com.

Reading Material: Though a few additional readings may be posted on the course website, the vast majority of the required readings for this course are in the course textbook (see above). Readings are intentionally manageable in size and you are expected to complete the entire reading before each class when one is assigned.

Respect: Respect for others is the most important value in this course and is a key element of your academic education. Because of the contentious nature of some of the subject matter addressed in law courses, respect will be especially important, including respect for others (by respecting the right to have different opinions and by courteous behavior) and respect for yourself (through professional presentation and effort). I reserve the right to modify course grades, including receiving a failing grade, for a significant violation of this expectation of respect.

The University of Central Florida considers the diversity of its students, faculty, and staff to be a strength and critical to its educational mission. UCF expects every member of the university community to contribute to an inclusive and respectful culture for all in its classrooms, work environments, and at campus events. Dimensions of diversity can include sex, race, age, national origin, ethnicity, gender identity and expression, intellectual and physical ability, sexual orientation, income, faith and non-faith perspectives, socio-economic class, political ideology, education, primary language, family status, military experience, cognitive style, and communication style. The individual intersection of these experiences and characteristics must be valued in our community.

Title IX prohibits sex discrimination, including sexual misconduct, sexual violence, sexual harassment, and retaliation. If you or someone you know has been harassed or

assaulted, you can find resources available to support the victim, including confidential resources and information concerning reporting options at www.shield.ucf.edu and http://cares.sdes.ucf.edu/.

For more information on diversity and inclusion, Title IX, accessibility, or UCF's complaint processes contact:

- Title IX – Office of Institutional Equity
- Disability Accommodation – Student Accessibility Services
- Diversity and Inclusion Training and Events
- Student Bias Grievances – Just Knights response team
- UCF Compliance and Ethics Office
- UCF Ombuds Office

Safety:

Emergencies on campus are rare, but if one should arise during class, everyone needs to work together. Students should be aware of their surroundings and familiar with some basic safety and security concepts.

- In case of an emergency, dial 911 for assistance.
- Every UCF classroom contains an emergency procedure guide posted on a wall near the door. Students should make a note of the guide's physical location and review the online version at http://emergency.ucf.edu/emergency_guide.html.
- Students should know the evacuation routes from each of their classrooms and have a plan for finding safety in case of an emergency.
- If there is a medical emergency during class, students may need to access a first-aid kit or AED (Automated External Defibrillator). To learn where those are located, see http://www.ehs.ucf.edu/workplacesafety.html (click on link from menu on left).
- To stay informed about emergency situations, students can sign up to receive UCF text alerts by going to ucf.edu and logging in. Click on "Student Self Service" located on the left side of the screen in the toolbar, scroll down to the blue "Personal Information" heading on the Student Center screen, click on "UCF Alert", fill out the information, including e-mail address, cell phone number, and cell phone provider, click "Apply" to save the changes, and then click "OK."
- Students with special needs related to emergency situations should speak with their instructors outside of class.

Syllabus Updates: This syllabus is meant to provide you with an overview of the course, but I may need to make changes. If so, I'll provide you with notice, and if the changes are significant, a revised syllabus. Modifications will be posted to Webcourses. If you identify inconsistencies between what you see on this page and other pages in Webcourses, please notify me, but rely on what is stated on this page unless instructed otherwise.

Technical Support: If you have technical problems with Webcourses, please contact Webcourses technical support, available here. If you notice a technical

problem with the course (e.g., a Module doesn't unlock when it should, group discussion boards aren't working, assignments aren't allowing submissions, etc.), you are welcome to inform me of it, but contacting **Webcourses Online Support** will result in faster (and more competent!) resolution of Webcourses technical problems. If this is the first time you will be using Webcourses to take an online course at UCF, I strongly encourage you to first take the brief tutorial, available here, and KnightsOnline.

Technology in the Classroom: Use of electronic devices such as laptops, phones, or tablets during class is **not permitted**, with two exceptions: 1) to accommodate a disability registered with Student Accessibility Services; or 2) if your only copy of the textbook is an "e-copy." In either case, you must ask the instructor for permission to use an electronic device in class **before** you use it, and your use must be limited solely to the exceptions above. For use of technology to accommodate a disability, a written Audio and Technology Agreement must be signed and submitted to the instructor. Failure to comply will result in loss of electronic device use privilege and may have adverse grade consequences. **Recording (audio or video) in class is not permitted without prior approval from the instructor and written agreement.**

Third-Party Software and FERPA: During this course you might have the opportunity to use public online services and/or software applications sometimes called third-party software such as a blog or wiki. While some of these could be required assignments, you need **not** make any personally identifying information on a public site. Do not post or provide any private information about yourself or your classmates. Where appropriate you may use a pseudonym or nickname. Some written assignments posted publicly may require personal reflection/comments, but the assignments will not require you to disclose any personally identity-sensitive information. If you have any concerns about this, please contact your instructor.

Trigger Warnings: Much of the study of law necessarily includes analysis and discussion of bad behavior and offensive ideas. Due to the nature of legal study, the educational importance of being confronted with difficult (and even repugnant) ideas, and the unpredictably of student discussions, I do not provide trigger warnings regarding material we will encounter.

Writing Center: The University Writing Center (UWC) offers writing support to students from first-year to graduate in every discipline. Tutors provide help at every stage of the writing process, including understanding assignments, researching, drafting, revising, incorporating sources, and learning to proofread and edit. The UWC's purpose is not merely to fix or edit papers, but to teach writing strategies that can be applied to any writing situation. Consultations are available for individuals and small groups. You may schedule a 45-minute appointment by clicking the *Success Resources* tab on Webcourses, calling the UWC at 407-823-2197, or through the UWC website.