School of Politics, Security, and International Affairs

Course Information

- Course: American Constitutional Law II, POS 4604.001
- Term: Spring 2021
- Credit Hours: 3
- Class Meeting Days and Times: Tuesdays and Thursdays, 10:30-11:50am (80 minutes)
- Class Location: Classroom Building 2, Room 201
- Course Modality: P (in person, but see below regarding some online classes)

Instructor Information

- Instructor: Eric Merriam, J.D., LL.M.
- Office Hours: Tuesdays and Thursdays, 1:30-3pm, online only, by Zoom
- Office Phone: 407-823-1670
- E-mail: eric.merriam@ucf.edu

Enrollment Requirements

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.

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.

Course Materials and Resources

Required Materials/Resources

- The readings for the course are provided free of charge by the instructor.

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 Activities

Attendance is ordinarily a graded assessment in this course, but due to the ongoing COVID-19 pandemic, all students will be given full credit for attendance. Please see more regarding attendance expectations below.

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. Block Exams will occur at the date/time indicated (all students will take the Block Exams at the same time).

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: please note that though Attendance will not be a graded assessment this semester, Preparation and Participation will still be graded, and your actual participation in class will thus remain important. Please see description below regarding "Class Preparation and Participation."

Extra Credit: There is no extra credit offered in the course.

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

Attendance/Participation

Attendance: Attendance at each class is expected. This is a face to face course, and you are expected to attend in person unless the instructor has designated a particular class as remote. You may attend by Zoom ***for COVID-19-related or other illness-related reasons only.*** Attending an in-person class by Zoom for a reason *other* than COVID-19 or other illness (e.g., for your convenience) is not permitted. **If you will attend a class by Zoom, you must email me at least one hour before class is scheduled to begin, providing an explanation regarding why you cannot come to class in person that day.**

YOU MAY NOT COME TO CLASS IN PERSON IF ANY OF THE FOLLOWING ARE TRUE:

1. You have been diagnosed with COVID-19 and have not yet been cleared by a medical professional to leave isolation;
2. You are sick, including if you are experiencing any symptoms associated with COVID-19;
3. You have not completed and passed the UCF Self-Checker (Links to an external site.) (also available on UCF mobile app) on the day of class;
4. You are unable or unwilling to follow all UCF policies while on campus and in class, including social distancing and mask wearing;
5. You are required to be in quarantine or isolation pursuant to law, UCF policy, or medical guidance, including if you have been exposed, but do not yet know whether you are COVID-19-positive.

Because of the COVID-19 pandemic, this course may use Zoom or online Block Exam administration for some synchronous ("real time") class meetings. I will announce such meetings in advance. While I fully support delivering in person instruction this semester, and intend to do so in accordance with the course schedule, I reserve the right to switch additional classes to a synchronous, online modality should I determine doing so is necessary for the safety of students or myself. Please take the time to familiarize yourself with Zoom by visiting the UCF Zoom Guides at <https://cdl.ucf.edu/support/webcourses/zoom/>.

Things to Know About Zoom:

- You must sign in to my Zoom session using your UCF NID and password.
- The Zoom sessions are recorded.
- Improper or distracting classroom behavior is not tolerated within Zoom sessions, *will* result in a reduced Preparation and Participation Grade, and *may* result in a referral to the Office of Student Conduct. Dress or behavior that would not be acceptable in a classroom is not acceptable by Zoom.

- Zoom sessions will *not* be recorded and students are not permitted to create their own recordings using any means.
- You can contact Webcourses@UCF Support at <https://cdl.ucf.edu/support/webcourses/> if you have any technical issues accessing Zoom.

Make-up Exams and Assignments

Per university policy, you are allowed to submit make-up work (or an equivalent, alternate assignment) for authorized university-sponsored activities, religious observances, or legal obligations (such as jury duty). If this participation conflicts with your course assignments, I will offer a reasonable opportunity for you to complete missed assignments and/or exams. The make-up assignment and grading scale will be equivalent to the missed assignment and its grading scale. In the case of an authorized university activity, it is your responsibility to show me a signed copy of the Program Verification Form for which you will be absent, prior to the class in which the absence occurs. In any of these cases, please contact me ahead of time to notify me of upcoming needs. The ability to submit late or make-up work is addressed elsewhere in this Syllabus.

Assessment and Grading Procedures

The table shows the weight distribution for each assignment.

Assignment	Percentage of Grade
Block 1 & 2 Exam	20%
Block 2 Judicial Opinion	20%
Block 3 Exam	20%
Final Judicial Opinion	25%
Preparation and Participation	10%
Attendance*	5%
Total	100%

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

Course Schedule

The Course Schedule is available here.

University Services and Resources

Academic Services and Resources

A list of available academic support and learning services is available at UCF Student Services. Click on "Academic Support and Learning Services" on the right-hand side to filter.

Non-Academic Services and Resources

A list of non-academic support and services is also available at UCF Student Services. Click on "Support" on the right-hand side to filter.

If you are a UCF Online student, please consult the UCF Online Student Guidelines for more information about your access to non-academic services.

Course-Specific Policies

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/Links to an external site.) for further details. As in all University courses, The Golden Rule Rules of Conduct will be applied. Violations of these rules or the policies identified on the Plagiarism and Use of Unauthorized Resources page here in this course (read it now!) 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 all 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, etc.), they must report that to the instructor. Students may not share/post discussion/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, I am required by UCF to document student engagement very early in the term. In this course, this takes the form of a quiz during the first week -- please pay careful attention to the deadline!

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 significant, but 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. 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. I understand you have other time commitments and that some people are naturally more shy than others, but participation is required for full credit. Negative participation can include distracting behavior and non-class-related use of technology during 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 at the end of the term. **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 authorized in that assignment. However, 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 during the term; 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 other than through Webcourses or to your official KnightsMail address.

Copyright: This course contains copyright-protected materials such as audio or video clips, images, etc. These items are being used with regard to the Fair Use doctrine in order to enhance the learning environment. Additionally, this course contains intellectual property of the instructor, including lectures, graded assessments, and assigned reading. You may not copy, duplicate, download or distribute any of these items. The use of these materials is strictly reserved for students enrolled in this course only.

Late Work and Missed Assignments:

- **Block Exams may not be completed late**, absent **prior approval** from instructor for one of the following reasons, which will require you to submit written proof:
    - Doctor's excusal for illness that indicates student is too ill to even take an exam from their home. Note: because Block Exams may be taken remotely (during class time), unless you have symptoms rendering you incapable of taking an exam from home, quarantine, isolation, or COVID-19 diagnosis is *not* an acceptable basis for missing a Block Exam. Stated differently, students who have been diagnosed with COVID-19 or who have been instructed to isolate or quarantine, but who are not experiencing symptoms or only minor symptoms, should expect to take the Block Exam when scheduled (remotely).
    - 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.
- **Judicial Opinions are due by the date and time specified in Webcourses.** If you have questions about when something is due, check the assignment in Webcourses or ask the instructor. You may submit **one** (and only one) of the judicial opinions up to 48 hours late without penalty and without explanation or proof. No further extension will be granted for any reason. **The other judicial opinion must be submitted on time, as a second judicial opinion will not be accepted late for any reason**. After you have submitted a judicial opinion late (but within 48 hours), you forfeit your ability to submit the other judicial opinion late, even if you are ill or have other extreme circumstances when the other judicial opinion is due. You are strongly encouraged to use your one "free pass" for late submission only if necessary.
- **Expert Panel:** Switching Expert Panel assignments is possible only in limited circumstances and with advanced permission (requested during the first two weeks of the semester). If you are required to attend class by Zoom on the day they are assigned to the Expert Panel, they may do so, but please be sure to email the instructor well in advance.

Office Hours: All office hours will be held virtually, using my personal Zoom meeting room. Please make an appointment in advance.

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.

Respect: Respect for others is an 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). Respect includes appropriate behavior and comments

toward or about others, whether on our team or not. I reserve the right to modify course grades, including receiving a failing grade, for a significant violation of this expectation of respect.

Assigned Reading: Through the huge and voluntary effort of my daughter Marissa (herself a college student, so she feels your pain), all assigned reading material in the course will be made available for free this semester. The reading assignments will be linked on the class page in Modules.

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 Links to an external site.**.** 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 Links to an external site.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 hereLinks to an external site., and KnightsOnlineLinks to an external site..

Technology in the Classroom: Use of electronic devices such as laptops, phones, or tablets during class is permitted, but only for class-related purposes. Failure to comply will result in loss of electronic device use privilege and will have adverse grade consequences for your Preparation and Participation grade. No audio, video, or photo recordings may be taken in class without advanced permission from the instructor.

UCF Policy Statements

COVID-19

To protect members of our community, everyone is required to wear a facial covering inside all common spaces including classrooms. Students who choose not to wear facial coverings will be asked to leave the classroom by the instructor. If they refuse to leave the classroom or put on a facial covering, they may be considered disruptive (please see the Golden Rule for student behavior expectations). Faculty have the right to cancel class if the safety and well-being of class members are in jeopardy. Students will be responsible for the material that would have been covered in class as provided by the instructor.

Depending on the course of the pandemic during the semester, the university may make changes to the way classes are offered. If that happens, please look for announcements or messages in Webcourses@UCF or Knights email about changes specific to this course.

COVID-19 and Illness Notification

Students who believe they may have a COVID-19 diagnosis should contact UCF Student Health Services (407-823-2509) so proper contact tracing procedures can take place.

Students should not come to campus if they are ill, are experiencing any symptoms of COVID-19, have tested positive for COVID, or if anyone living in their residence has tested positive or is sick with COVID-19 symptoms. CDC guidance for COVID-19 symptoms is located here: (https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html)

Students should contact their instructor(s) as soon as possible if they miss class for any illness reason to discuss reasonable adjustments that might need to be made. When possible, students should contact their instructor(s) before missing class.

If the instructor falls ill during the semester, there may be changes to this course, including having a backup instructor take over the course. Please look for announcements or mail in Webcourses@UCF or Knights email for any alterations to this course.

Accommodations may need to be added or adjusted should this course shift from an on-campus to a remote format. Students registered with Student Accessibility Services should speak with their instructor and should contact sas@ucf.edu to discuss specific accommodations for this or other courses.

Academic Integrity

Students should familiarize themselves with UCF's Rules of Conduct. According to Section 1, "Academic Misconduct," students are prohibited from engaging in:

- *Unauthorized assistance*: Using or attempting to use unauthorized materials, information or study aids in any academic exercise unless specifically authorized by the instructor of record. The unauthorized possession of examination or course-related material also constitutes cheating.
- *Communication to another through written, visual, electronic, or oral means*: The presentation of material which has not been studied or learned, but rather was obtained through someone else's efforts and used as part of an examination, course assignment, or project.
- *Commercial Use of Academic Material*: Selling of course material to another person, student, and/or uploading course material to a third-party vendor without authorization or without the express written permission of the university and the instructor. Course materials include but are not limited to class notes, Instructor's PowerPoints, course syllabi, tests, quizzes, labs, instruction sheets, homework, study guides, handouts, etc.
- *Falsifying or misrepresenting* the student's own academic work.

- *Plagiarism*: Using or appropriating another's work without any indication of the source, thereby attempting to convey the impression that such work is the student's own.
- *Multiple Submissions*: Submitting the same academic work for credit more than once without the express written permission of the instructor.
- *Helping another violate* academic behavior standards.

For more information about Academic Integrity, students may consult The Center for Academic Integrity.

For more information about plagiarism and misuse of sources, see "Defining and Avoiding Plagiarism: The WPA Statement on Best Practices".

Responses to Academic Dishonesty, Plagiarism, or Cheating

Students should also familiarize themselves with the procedures for academic misconduct in UCF's student handbook, The Golden Rule. UCF faculty members have a responsibility for students' education and the value of a UCF degree, and so seek to prevent unethical behavior and when necessary respond to academic misconduct. Penalties can include a failing grade in an assignment or in the course, suspension or expulsion from the university, and/or a "Z Designation" on a student's official transcript indicating academic dishonesty, where the final grade for this course will be preceded by the letter Z. For more information about the Z Designation, see http://goldenrule.sdes.ucf.edu/zgrade.

Course Accessibility Statement

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 (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.

Campus Safety Statement

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 the AED Locations Page.
- To stay informed about emergency situations, students can sign up to receive UCF text alerts by going to https://my.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.
- To learn about how to manage an active-shooter situation on campus or elsewhere, consider viewing this video You CAN Survive an Active Shooter

Deployed Active Duty Military Students

Students who are deployed active duty military and/or National Guard personnel and require accommodation should contact their instructors as soon as possible after the semester begins and/or after they receive notification of deployment to make related arrangements.

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.