# POS 4604 - AMERICAN CONSTITUTIONAL LAW II

**Section:** 0W60

*College of Sciences*

School of Politics, Security, and Intl Affairs

## Course Information

**Term:** Fall 2024
**Class Meeting Location:**
**Modality:** WW
**Credit Hours:** 3.00

## Instructor Information

Jeff Dambly
**Office Location:** Virtual
**Office Hours:**
Mondays, 8-9am and 5-6pm
**Email:** jeffrey.dambly@ucf.edu

## Course Description

POS 4604 COS-POLS 3(3,0)American Constitutional Law II: PR: ENC 1102 or POS 2041 or C.I. Development of civil liberties and civil rights in the American federal system. Spring.

American Constitutional Law II: Civil Rights and Civil Liberties examines the protections afforded individuals by the Bill of Rights of the U.S. Constitution. This

is an online only course. The course material is organized into numbered modules to be completed sequentially. Students can complete some assignments at their own pace but should participate in regular group discussion at roughly the same time as other students in the class. University Course Catalog Description: Development of civil liberties and civil rights in the American federal system.

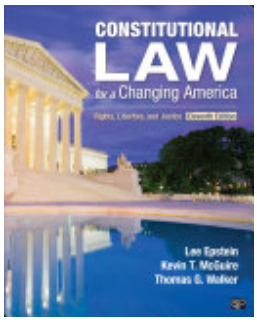
Please read this syllabus carefully. When you've finished reading this syllabus, you can start with the "Start Here" module on Webcourses. The “Start Here” module includes a Syllabus Quiz and you must score 5/5 on it to unlock numbered modules.

## Student Learning Outcomes

The objective of this course is to introduce you to the important role that the United States Constitution has in orienting American politics and governance. With this end in mind, we will explore the Constitution, its various interpretations, and the role of the judiciary in constitutional application, examples of the influence it has had on the function of government, and the case law that has emanated from its interpretation. The objectives of this class include the following:

- Understand key constitution terms and concepts
- Understand historically significant Supreme Court decisions
- Analyze historical trends in Supreme Court composition and decision making
- Evaluate and apply constitutional precedents
- Apply legal reasoning to complex hypothetical problems
- Engage in discussion and deliberation of constitutional issues
- Improve writing and critical thinking skills
- Build collaboration skills and practice professional work habits

## Course Materials and Resources




**Constitutional Law for a Changing America**
**ISBN:** 9781544391281
**Authors:** Lee Epstein, Kevin T. McGuire, Thomas G. Walker
**Publisher:** CQ Press
**Publication Date:** 2021-07-23

## Course Assessment and Grading Procedure

This is an entirely online course with no in-class meetings. Therefore, our format will be slightly different than other versions of this course. The course is broken into modules that you will find on the Webcourses course site. **Modules open on a weekly basis to not allow students to get too far ahead in completing assignments or watching lectures**. I expect the course to be cumulative with learning taking place each week, so don't expect that you can knock out all your assignments in a few weeks because of the online format.

Each week you will be assigned readings, mostly from the assigned textbook but on occasion I'll either require or suggest newer case opinions or applicable readings. I will provide a brief lecture that you can review at your convenience that should prompt thoughts as you review the assigned readings and undertake weekly written assignments.

Please note that traditionally law courses center around in-class discussions and professors frequently use a Socratic method of instruction based on asking students questions. Since we can't do that in this format, we compensate with frequent group discussions. I expect each of you to engage your classmates frequently in the forums, and I will also participate from time to time.

<u>Grading</u> - your final grade will be a composite of four major factors:

1) **Discussion Assignments** (20% of your grade)

- Each numbered module includes a small group discussion of a constitutional problem or issue.
    - ***Note: message boards will not be available in advance of the current module.***

2) **Quizzes** (45% of grade)

- Each of the numbered modules contains a quiz. Each module quiz is worth 45 points. Your lowest module quiz score will be dropped.

- ***Note: quizzes will not be available in advance of the current module.***

3) **Midterm** (15% of grade)

- For your "midterm," you will be provided a factual prompt based on a hypothetical scenario and asked to render a legal opinion based on particular case law. This exercise will be timed.

4) **Final Exam** (20%)

- The Final Examination is cumulative and will require students to apply their understanding of the subject matter in a comprehensive manner. Students can expect a mix of multiple choice and true-false questions on the Final Exam.

## Assignment Schedule

| Due Date | Assignment Name | Assignment Type | Points |
|---|---|---|---|

| Due Date | Assignment Name | Assignment Type | Points |
|---|---|---|---|
| 8/23 | Evidence of Academic Engagement Quiz (Does not affect your grade, please take ASAP) | Quiz | 1 |
| 8/23 | Syllabus Quiz (Does not affect your grade, please take ASAP) | Quiz | 5 |
| 8/25 | Module 1 Quiz: Introduction to the U.S. Supreme Court and Judicial Review | Quiz | 45 |
| 9/1 | Module 2 Quiz: The Incorporation Doctrine | Quiz | 45 |
| 9/8 | Module 3 Quiz: Free Exercise of Religion | Quiz | 45 |
| 9/15 | Module 4 Quiz: Freedom of Expression: Development of Standards | Quiz | 45 |
| 9/22 | Module 5 Quiz: Freedom of Expression: Content and Contexts | Quiz | 45 |
| 9/29 | Module 6 Quiz: Freedom of the Press and New Media Regulations | Quiz | 45 |

| Due Date | Assignment Name | Assignment Type | Points |
|---|---|---|---|
| 10/6 | Module 7 Quiz: The Boundaries of Free Expression | Quiz | 45 |
| 10/6 | Midterm | Assignment | 15 |
| 10/20 | Module 9 Quiz: The Right to Privacy | Quiz | 45 |
| 10/27 | Module 10 Quiz: Rights of the Accused: Investigations and Evidence | Quiz | 45 |
| 11/3 | Module 11 Quiz: Rights of the Accused: Attorneys, Trials, and Punishments | Quiz | 45 |
| 11/26 | Module 14 Quiz: Voting Rights and Representation | Quiz | 45 |
| 11/26 | YellowDig Discussion (Gradebook Entry) | Assignment | 300 |
| | Final Exam | Assignment | 20 |

## Grading Scale

| Letter Grade | Percentage |
|---|---|
| A | 93-100% |
| A- | 90-92% |
| B+ | 87-89% |
| B | 83-86% |

| Letter Grade | Percentage |
|---|---|
| B- | 80-82% |
| C+ | 77-79% |
| C | 73-76% |
| C- | 70-72% |
| D+ | 67-69% |
| D | 63-66% |
| D- | 60-62% |
| F | 0-59% |

## Policies for Course Grade

### Makeup Work Policy

Make-ups for in-class writing, quizzes, the midterm, or the final exam will only be allowed for official University activities or personal emergencies. Written documentation is required. Make-up assessments may be different. See UCF Policy 4.401. and UCF Regulation 5.020.

### Missed/Late Assignments

Excused absences include documented illnesses, deaths in the family and other documented crises, call to active military or jury duty, religious holy days, and official University activities. These absences will be accommodated in a way that does not arbitrarily penalize students who have a valid excuse. Considerations will also be given to students whose dependent children experience serious illness.

Incomplete grades are given only in situations where unexpected emergencies prevent a student from completing the course and the remaining work can be completed the next semester. Your instructor is the final authority on whether you qualify for an incomplete.

## Course Accessibility

The University of Central Florida is committed to providing access and inclusion for all persons with disabilities. Students with disabilities who need access to course content due to course design limitations should contact the professor as soon as possible. Students should also connect with Student Accessibility Services (SAS) (Ferrell Commons 185, sas@ucf.edu, phone 407-823-2371). For students connected with SAS, a Course Accessibility Letter may be created and sent to professors, which informs faculty of potential course access and accommodations that might be necessary and 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. Further conversation with SAS, faculty and the student may be warranted to ensure an accessible course experience.

## Academic Integrity

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

a. Academic misconduct is defined as any submitted work or behavior that obstructs the instructor of record's ability to accurately assess the student's understanding or completion of the course materials or degree requirements (e.g., assignment, quiz, and/or exam). Examples of academic misconduct include but are not limited to: plagiarism, unauthorized assistance to complete an academic exercise; unauthorized communication with others during an examination, course assignment, or project; falsifying or misrepresenting academic work; providing misleading information to create a personal advantage to complete course/degree requirements; or multiple submission(s) of academic work without permission of the instructor of record.

b. Any student who knowingly helps another violate academic behavior standards is also in violation of the standards.

c. Commercial Use of Academic Material. Selling of course material to another person and/or uploading course material to a third-party vendor without authorization or without the express written permission of the University and the instructor of record. Course materials include but are not limited to class notes, the instructor of record's

slide deck, tests, quizzes, labs, instruction sheets, homework, study guides, and handouts.

d. Soliciting assistance with academic coursework and/or degree requirements. The solicitation of assistance with an assignment, lab, quiz, test, paper, etc., without authorization of the instructor of record or designee is prohibited. This includes but is not limited to asking for answers to a quiz, trading answers, or offering to pay another to complete an assignment. It is considered Academic Misconduct to solicit assistance with academic coursework and/or degree requirements, even if the solicitation did not yield actual assistance (for example, if there was no response to the solicitation).

**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 respond to academic misconduct when necessary. Penalties for violating rules, policies, and instructions within this course can range from a zero on the exercise to an "F" letter grade in the course. In addition, an Academic Misconduct report could be filed with the Office of Student Conduct, which could lead to disciplinary warning, disciplinary probation, or deferred suspension or separation from the University through suspension, dismissal, or expulsion with the addition of a "Z" designation on one's transcript.

Being found in violation of academic conduct standards could result in a student having to disclose such behavior on a graduate school application, being removed from a leadership position within a student organization, the recipient of scholarships, participation in University activities such as study abroad, internships, etc.

Let's avoid all of this by demonstrating values of honesty, trust, and integrity. No grade is worth compromising your integrity and moving your moral compass. Stay true to doing the right thing: take the zero, not a shortcut.

## Title IX

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 Let's Be Clear and UCF Cares.

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

- Title IX – OIE – Office of Institutional Equity & askanadvocate@ucf.edu
- Disability Accommodation – Student Accessibility Services – Student Accessibility Services & sas@ucf.edu
- Access and Community Engagement (including the Ginsberg Center for Inclusion and Community Engagement, Military and Veteran Student Success, and HSI Initiatives)
- UCF Compliance and Ethics Office – Compliance, Ethics, and Risk Office & complianceandethics@ucf.edu
- The Ombuds Office is a safe place to discuss concerns.

## Reporting an Incident or Issue

If you believe you have experienced abusive or discriminatory behavior by any faculty of staff member, contact the Office of Institutional Equity online or at 407-823-1336. You can also choose to report using the UCF Integrity Line and can report anonymously or as yourself at 1-855-877-6049 or using the online form. UCF cares about you and takes every report seriously. For more information see the Reporting an Incident or Issue Webpage.

## 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.

## Campus Safety

At UCF Public Safety and Police, safety is the top priority. Emergencies on campus are rare, but if one should arise, it's important to be familiar with some basic safety and security concepts.

- In an emergency, always dial 911.
- Every UCF classroom has an **Emergency Procedure Guide** posted on a wall near the door, which will show you how to respond to a variety of situations. This guide can also be found online here.
- In the event of an active threat, remember **AVOID, DENY, DEFEND**. Choose the best course of action and act immediately. Watch the video here to learn more.
    - **AVOID**. Pay attention to your surroundings and have an exit plan. Get as much distance and as many barriers between you and the threat as quickly as possible.
    - **DENY.** When avoiding is difficult or impossible, deny the threat access to you and your space. Lockdown by creating barriers, turning the lights off and remaining quiet and out of sight. Make sure your cell phone is silenced, but do not turn it off.
    - **DEFEND.** When you are unable to put distance between yourself and the threat, be prepared to protect yourself. Commit to your actions, be aggressive and do not fight fairly. Do whatever it takes to survive.
- For emergencies on campus, UCF will utilize the UCF Alert system. All UCF students, faculty and staff are automatically enrolled to receive these email and text alerts, however, it's a good idea to frequently ensure your contact information is up to date.

## Financial Aid Accountability

All instructors/faculty are required to document students' academic activity at the beginning of each course. In order to document that you began this course, please complete this activity by the end of the first week of classes or as soon as possible after adding the course. Failure to do so may result in a delay in the disbursement of your financial aid.

## Class Schedule

***These readings and assignments are subject to change. Please coordinate with your classmates and professor if you have any questions about upcoming assignments***

***Any references to book chapters in the reading assignments are from the coursebook: Constitutional Law for a Changing America by Epstein, McGuire, and Walker.***

| Week | Topic |
|---|---|
| 1 | ***Introduction to the U.S. Supreme Court and Judicial Powers***<br>***Aug. 19 - 25***<br><br>**<u>Reading Assignment</u>**: Chapter 1, Understanding the U.S. Supreme Court, pgs. 13-14, 21-31 (section on Legalism), 41-42 (section on locating Supreme Court decisions); Chapter 2, The Judiciary: Institutional Powers and Constraints.<br><br>**Recommended Reading (not required)**: the remainder of Chapter 1 (there is useful information in Chapter 1 that I do not require you read because it is not immediately pertinent to understanding case law moving forward. Still, it's good background information). |
| 2 | ***Incorporation of the Bill of Rights***<br>***Aug. 26 – Sept. 1***<br><br>**<u>Reading Assignment</u>**: Chapter 3: Incorporation of the Bill of Rights. |

| Week | Topic |
|---|---|
| 3 | ***Religious Liberties***<br>***Sept. 2 – 8***<br><br>**Reading Assignment**: Chapter 4, Religion: Exercise and Establishment (please note that this is a longer chapter). |
| 4 | ***Free Expression, Part One***<br>***Sept. 9 – 15***<br><br>**Reading Assignment**: Chapter 5, Foundations of Freedom of Expression. |
| 5 | ***Free Expression, Part Two***<br>***Sept. 16 – 22***<br><br>**Reading Assignment:** Chapter 6, Modern-Day Approaches to Free Expression |
| 6 | ***Freedom of the Press***<br>***Sept. 23 – 29***<br><br>**Reading Assignment**: Chapter 7, Freedom of the Press. |

| Week | Topic |
|---|---|
| 7 | ***Limits to Free Speech and Expression***<br>***Sept. 30 – Oct. 6***<br><br>**<u>Reading Assignment</u>**: Chapter 8: The Boundaries of Free Expression: Libel, Obscenity, and Emerging Areas of Government Regulation.<br><br>***Midterm Will Be Available During This Module***<br>***and will be Due Sunday, October 6th, 11:59pm*** |
| 8 | ***The Second Amendment***<br>***Oct. 7 – 13***<br><br>**<u>Reading Assignment</u>:** Chapter 9: The Right to Keep and Bear Arms; Case Selection from *New York State Rifle & Pistol Association, Inc. v. Bruen;* Case Selection from *United States v. Rahimi*. |
| 9 | ***Privacy***<br>***Oct. 14 – 20***<br><br>**<u>Reading Assignment</u>:** Chapter 10: Privacy and Personal Liberty; Case Selection from *Dobbs v. Jackson Women's Health Organization.* |
| 10 | ***Law Enforcement, Investigations, Intelligence, and Evidence***<br>***Oct. 21 – 27***<br><br>**<u>Reading Assignment</u>:** Chapter 11: Investigations and Evidence. |

| Week | Topic |
|---|---|
| 11 | ***Attorneys, Trials, and Punishments***<br>***Oct. 28 – Nov. 3***<br><br>**<u>Reading Assignment</u>:** Chapter 12: Attorneys, Trials, and Punishments. |
| 12 | ***Equal Protection, Part One***<br>***Nov. 4 – 10***<br><br>**<u>Reading Assignment</u>:** Chapter 13: Race Discrimination and Foundations of Equal Protection. |
| 13 | ***Equal Protection, Part Two***<br>***Nov. 11 – 17***<br><br>-<br>**<u>Reading Assignment</u>:** Chapter 14: Contemporary Approaches to Equal Protection; Case Selection from *Hassan v. City of New York.* |
| 14 | ***Voting and Representation***<br>***Nov. 18 – 26***<br><br>**<u>Reading Assignment</u>:** Chapter 15: Voting and Representation. |
| 15 | |
| 16 | |