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

SYLLABUS (Revised 1-14-15)
(1-12-15)
PMAP 4411-005 (CRN 17887)
SPRING 2015
INTRODUCTION TO LAW FOR PUBLIC AND NONPROFIT MANAGERS

COURSE INFORMATION

Instructor: Jim Martin, Clinical Associate Professor (herein referred to 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 (herein referred to as “you”) and me are through the Brightspace (formerly Desire2Learn) web site. However, if you experience a problem communicating with me through Brightspace, my personal email address is jimmartin@gsu.edu.

Class Time: Thursday 1:00 -3:30 p.m.

Classroom: Room 403 Langdale Hall

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.
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. I also 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: 3:00-4:00 p.m.
Wednesday: 6:00 p.m.-7:00 p.m.
Thursday: 11:00 a.m. -12:00 noon

COURSE DESCRIPTION

The Georgia State University Undergraduate Catalog describes this course:

This course provides a broad overview of the legal issues facing employees of public and non-profit entities. Special emphasis is placed on the legal rules and principles that guide public and nonprofit managers in administering their respective organizations. The course also considers how laws and regulations impact current working relationships between government and private concerns.

Using the excellent text book 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 will use Mr. Hopkins’s book also. In order to understand the material it is important that you 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 is encouraged. On occasion the course may be supplemented with additional readings, guest lecturers and field trips including a trip to the Georgia State University Law Library. The additional readings will be posted on Brightspace (formerly Desire2Learn).
COURSE OBJECTIVES

Upon successfully completing the class, you will have the following 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 BOOKS


COURSE REQUIREMENTS

Overall: You are required to read the assignment for each class before class and to stay up-to-date with the course via Brightspace (formerly Desire2Learn). 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 missed. This course syllabus provides a general plan for the course. Deviations may be necessary.

Class Attendance: Class preparation and timely attendance are expected. 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, the use of cell phones, pagers, and electronic equipment in class is prohibited. You may use a lap top 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. In order to assure that multiple points of view are considered, 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 actively engage students in contributing to their own learning experience through student discussion of the readings.

Assignments: There are two assignments during the semester. The assignments are reviewed for completeness, effort, accuracy of analysis, relevance of research and thoughtfulness in responding to the questions presented. The assignments are designed to facilitate your understanding of the practical application of the law. Each assignment counts 15% of the final grade. Please see course schedule below for due dates for the assignments.
**Examinations:** The course includes a midterm exam which accounts for 35% of your grade for the course and a final exam which accounts for 30% of your grade for the course. A make-up exam may be allowed if the request is consistent with University policy and made prior to the scheduled exam time.

**ASSIGNMENT FORMAT AND REQUIREMENTS**

*All written work must be submitted in Microsoft WORD on Brightspace (formerly Desire2Learn).*

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, other style manuals may be used if followed correctly.

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.

**GRADING**

<table>
<thead>
<tr>
<th>Class Participation</th>
<th>5%</th>
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<tbody>
<tr>
<td>Written Assignments</td>
<td>30%</td>
</tr>
<tr>
<td>Midterm</td>
<td>35%</td>
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<tr>
<td>Final Exam</td>
<td>30%</td>
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<tr>
<td>Total</td>
<td>100%</td>
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</tbody>
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Grades are based on a 100-point system. Grades are not rounded 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>
</tr>
<tr>
<td>90-92</td>
<td>A-</td>
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<tr>
<td>88-89</td>
<td>B+</td>
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<td>83-87</td>
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<td>80-82</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. You may only be accommodated upon the issuance by the Office of Disability Services of a signed Accommodation Plan and 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:

You are required to follow Georgia State University’s Policy on Academic Honesty. The policy may be found in the Official Student Handbook, http://www.gsu.edu/deanofstudents. The introduction to the GSU Student Code of Conduct and Administrative Policies (May 7, 2014) reads 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’s policy on academic honesty is published in the Faculty Handbook and the Student Handbook, *On Campus*, which is available to all members of the University community. 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 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 through the university.
No instructor or department may impose academic or disciplinary penalties for academic dishonesty outside the parameters of this policy. This policy applies to all incidents of academic dishonesty, including those that occur before a student graduates but are not discovered until after the degree is conferred. In such cases, it is possible that the application of this policy will lead to a failure to meet degree completion requirements and therefore a renovation of a student’s degree.

Many colleges and/or departments provide statements of what constitutes academic dishonesty within the context of their discipline, and recommend penalties for specific types of academic dishonesty. As noted in the Faculty Handbook, all syllabi are required to make reference to the Academic Honesty Policy; syllabi should also include a link to departmental standards where they exist.

The Georgia State University’s Policy on Academic Honesty provides penalties for violation 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.

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). 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.
BRIGHTSPACE (FORMERLY DESIRE2LEARN) AND COMMUNICATIONS

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

The Brightspace web site may be accessed through the GSU homepage at www.gsu.edu. See the icon in the top right corner for the link. Students are responsible for any material that may be posted on Brightspace.

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 & STUDENT LIFE OFFICE

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

The Andrew Young School provides career planning services & student leadership opportunities (student clubs & 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 & Student Life office is located on the ground floor of the Andrew Young Building, in rooms G47-51.

Other Necessary Information

It is required that I:

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 time to fill out the online course evaluation.

Disclaimer:

The course syllabus provides a general plan for the course; deviations may be necessary and are made at the discretion of the instructor.

COURSE SCHEDULE AND READING ASSIGNMENTS

DATE
JANUARY 15  CLASS OVERVIEW.

JANUARY 22  FOUNDATION OF ADMINISTRATIVE JUSTICE; HISTORY OF LAW AND ADMINISTRATION.

  Reading: Cooper, Chapters 1 and 4, pp. 1-23 and pp. 86-121.

JANUARY 29  LAW IN BOOKS AND IN ACTION; AN INTRODUCTION TO LEGAL RESEARCH AND REASONING.

  Reading: Cooper, Chapters 2 and 3, pp. 28-80.

Assignment #1 posted

FEBRUARY 5  AGENCY RULEMAKING.

  Reading: Cooper, Chapter 5, pp. 133-180.

Assignment #1 due

FEBRUARY 12  ADMINISTRATIVE ADJUDICATION.

  Reading: Cooper, Chapter 6, pp. 188-231.

FEBRUARY 19  JUDICIAL REVIEW.

  Reading: Cooper, Chapter 7, pp. 239-283

FEBRUARY 26  MIDTERM
**MARCH 5**  
INFORMAL PROCESS, ADMINISTRATIVE DISCRETION AND POLITICS IN ADMINISTRATIVE REGULATION.

**Reading:** Cooper, Parts of Chapters 8, 9 and 10, pp. 290-307, pp. 324-339, pp. 359-374.

**MARCH 12**  
INFORMATION POLICY.

**Reading:** Cooper, Chapter 11, pp. 431-467.

**MARCH 19**  
NO CLASS. (SPRING BREAK)

**MARCH 26**  
THE LAW AND PUBLIC EMPLOYEES

**Reading:** Cooper, Chapter 12, pp. 473-509

**APRIL 2**  
NONPROFIT LAW AN OVERVIEW; FORMATION OF NONPROFITS ORGANIZATIONS, GOVERNANCE, AND LIABILITY.

**Reading:** Hopkins, Chapters 1 and 12, pp. 1-27, 253-270.

*Assignment #2 posted*

**APRIL 9**  
ACQUIRING AND MAINTAINING TAX-EXEMPT STATUS; PUBLIC CHARITIES AND FOUNDATIONS; REPORTING AND DISCLOSURE REQUIREMENTS.

**Reading:** Hopkins, Chapters 4 and 6; pp. 75-96, 119-138.

*Assignment #2 due.*
APRIL 16  CHARITABLE GIVING AND FUNDRAISING REGULATION;
UNRELATED BUSINESS ACTIVITIES AND BUILDING ON THE BASIS;
REVIEW.

Reading: Hopkins Chapters 5, 7, 8, and 9 pp. 97-117, 139-183; and pp. 185-207.

APRIL 23  FINAL EXAMINATION (The final examination will be given on the last day of class. The final examination will not be given on Tuesday May 5)