IMPORTANT: IF YOU ARE ENROLLED OR PLAN TO BE ENROLLED IN THE JOINT MPA/JD PROGRAM, YOU SHOULD NOT TAKE THIS COURSE. THIS COURSE MAY NOT BE COUNTED TOWARD YOUR REQUIREMENTS FOR THIS JOINT DEGREE.

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

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.
Class Time: Monday 4:30 p.m.-7:00 p.m.

Classroom: Room 501 Classroom Building South

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 p.m. -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 Graduate Catalog describes this course:

This course introduces students to a range of legal issues relevant to employees in public organizations. Attention is given to the legal rules and principles that guide public managers in administering their organizations. Also considered is how laws and regulations impact current working relationships between government and private concerns. Other issues involve… [how] judges enforce government contracts and agency regulations.

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. During the final weeks of the course, the class covers legal issues associated with public contracting with for-profit and nonprofit entities, associated with zoning and associated with management of nonprofit organizations. In the contracting
portion of the course, we use the insightful book by Professors Cohen and Eimicke.

In order to understand the course material, it is important that you read the assigned reading before class and be prepared to engage actively in the class discussion. 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. It is like a law school class, however, in that class discussion and debate are essential parts of this graduate level course. 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, if any, will be posted on Brightspace.

**COURSE OBJECTIVES**

Upon successfully completing the class, you will have the followings competencies:

- The ability to communicate effectively about legal issues associated with public and nonprofit management and to be an active participant in legal matters that public and nonprofit managers face.
- An understanding of the key aspects of the U.S. legal system’s adjudicatory structures, sources of authority, legal procedures including an understanding of the legal principles and concepts that govern public and nonprofit 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 contract law and administrative law, including rulemaking, adjudication of administrative action, and judicial review of administrative
action.²

- Knowledge of nonprofit law in the areas of charitable giving, advocacy, lobbying, commercial activity, fundraising and employee compensation.
- The ability to be an active and knowledgeable participant in contract negotiation and management.
- An understanding of the constitutional rights and responsibilities of public and non-profit employees.
- The ability to evaluate the legal rights and responsibilities of public or nonprofit managers and employees.
- An understanding of the attorney-client relationship inside and outside of an organization and in adversarial and non-adversarial settings.
- The ability to analyze problems and develop solutions using written, analytical or quantitative skills.

NASPAA COMPETENCIES

The Network of Schools of Public Policy, Affairs and Administration (NASPAA), which is the accrediting agency for the Department of Public Management and Policy of the Andrew Young School of Policy Studies, has also developed competencies that are expected of students in graduate programs in public administration and policy. The competencies include the following five domains:

(1) the ability to lead and manage in public [and nonprofit] governance;
(2) the ability to participate in and contribute to the policy process;
(3) the ability to analyze, synthesize, think critically, solve problems and make decisions;

² The competencies highlighted in bold letters are desired learning outcomes for this core course established by the Department of Public Administration and Policy.
(4) the ability to articulate and apply a public service perspective; and
(5) the ability to communicate and interact productively with a diverse and changing workforce and citizenry.

PMAP 8203 approaches these competencies in the context of the study of nonprofit law and advocacy. It is expected that after taking this course the student will demonstrate the ability to lead and manage in nonprofit governance through the application of legal principles, to use nonprofit advocacy to contribute to the policy process, to use the law to analyze, synthesize, and articulate solutions to problems in the nonprofit sectors and to understand how legal principles may enhance public service, diversity in the workforce and pluralism. At the end of the course, part 1 of the final examination is an essay question designed to evaluate these competencies in light of the material covered in this course. For examination and class-grade purposes this essay question will be graded by me. For evaluation of me and the course, curriculum development, NASPAA accreditation and other similar purposes, this essay question will be review by another professor and the results of that evaluation may be used by the Department of Public Management and Policy.

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. 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. This course is predominately conducted as a seminar. Student participation is required. 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 and related case studies.

**Assignments:** There are four 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 10% 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 30% of your grade for the course and a final exam which accounts for 25% the percent 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.

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>Component</th>
<th>Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class Participation</td>
<td>5%</td>
</tr>
<tr>
<td>Written Assignments</td>
<td>40%</td>
</tr>
<tr>
<td>Midterm</td>
<td>30%</td>
</tr>
<tr>
<td>Final Exam</td>
<td>25%</td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
</tr>
</tbody>
</table>

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>
</tr>
</thead>
<tbody>
<tr>
<td>98-100</td>
<td>A+</td>
</tr>
<tr>
<td>93-97</td>
<td>A</td>
</tr>
<tr>
<td>90-92</td>
<td>A-</td>
</tr>
<tr>
<td>88-89</td>
<td>B+</td>
</tr>
<tr>
<td>83-87</td>
<td>B</td>
</tr>
<tr>
<td>80-82</td>
<td>B-</td>
</tr>
<tr>
<td>78-79</td>
<td>C+</td>
</tr>
<tr>
<td>73-77</td>
<td>C</td>
</tr>
<tr>
<td>70-72</td>
<td>C-</td>
</tr>
<tr>
<td>60-69</td>
<td>D</td>
</tr>
<tr>
<td>Less than 60</td>
<td>F</td>
</tr>
</tbody>
</table>

**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**

**Academic Honesty:** You are required to follow Georgia State University’s Policy on Academic Honesty. The policy may be found in the *On Campus, the Official Student*
Handbook, http://www.gsu.edu/deanofstudents. The introduction to the policy 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 Policy on Academic Honesty is published in the Georgia State University Student Code of Conduct and the Student Handbook and is available to all members of the University community. The policy represents a core value of the University and all members of the University community are responsible for abiding by its tenets. Lack of knowledge of this policy is not an acceptable defense to any charge of academic dishonesty. All members of the academic community—students, faculty, and staff—are expected to report violations of these standards of academic conduct in accordance with the procedures articulated in this Policy on Academic Honesty.

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 other 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.

**BRIGHTSPACE 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 12**  
**CLASS OVERVIEW.**

**JANUARY 19**  
**MARTIN LUTHER KING, JR. HOLIDAY (NO CLASS)**

**JANUARY 26**  
**FOUNDATION OF ADMINISTRATIVE JUSTICE; HISTORY OF LAW AND ADMINISTRATION.**

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

**FEBRUARY 2**  
**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 9**  
**AGENCY RULEMAKING.**

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

*Assignment #2 posted*

*Assignment #1 due*
**February 16**  
**ADMINISTRATIVE ADJUDICATION.**

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

*Assignment #2 due*

**February 23**  
**JUDICIAL REVIEW.**

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

**March 2**  
**MIDTERM**

**March 9**  
**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 16**  
**SPRING BREAK MARCH 16-MARCH 29 (NO CLASS)**

**March 23**  
**INFORMATION POLICY.**

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

**March 30**  
**THE LAW AND PUBLIC EMPLOYEES**

*Reading:* Cooper, Chapter 12, pp. 473-509
APRIL 6  
PUBLIC CONTRACTING AND CONTRACT MANAGEMENT

**Reading:** Cohen & Eimicke, Chapters 1, 2, 5 and 6, pp. 3-39, and pp. 91-117.

APRIL 13  
CASE STUDIES IN CONTRACTING

**Case Study:** *When Contracting Really Works: Welfare-to-Work in Philadelphia.* *When Contracting Really Doesn’t Work: Atlanta’s Water Contract*

**Reading:** Cohen & Eimicke, Chapters 10 & 11, pp. 169-200.

**Assignment #3 posted**

APRIL 20  
PRINCIPLES OF NONPROFIT LAW AND MANAGEMENT

**Reading:** TBA

*Assignment #3 due; Assignment 4 posted*

APRIL 27  
PRINCIPLES OF ZONING AND LAND USE CONTROLS

**Readings:** TBA

*Assignment #4 due*
MAY 4          FINAL EXAM (4:15 P.M.-6:45 P.M.)