

Administrative Law

PST 611

Fall 2010

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<http://www.umassd.edu/cfpa/directions.cfm>

Course Website: dartmouth.umassonline.net

About me: http://works.bepress.com/chad_mcguire/

Course Description

The course is meant to introduce students from various backgrounds to the major concepts of administrative law. Substantive topics in the course will include: **the foundations of administrative law; sources and limits of administrative power through the legislative and executive branches; agency rulemaking and adjudication; and the process of judicial review.**

The course is appropriate for graduate students from various disciplines who require some knowledge of agency processes at the local, state, and federal levels. It is envisioned the course would be attractive to students in the policy, sciences, business, management, and law disciplines.

Course Objectives

- To establish a foundational understanding of administrative principles for students in the MPP program (and related disciplines).
- To expand critical-thinking skills, using a modified Socratic method analysis of case law applicable to online teaching.
- Develop the ability to reason through legal principles related to the development, implementation, and review of administrative principles. Skills learned in this course can be applied to areas of specialization in the public administration, business, management, and legal fields.

Requirements

1. **Attendance:** Attendance is mandatory. Attendance is monitored by online discussion responses. Each week, a number of online questions are asked in conjunction with the reading and written lecture materials. You are required to respond to these questions (called discussion boards) by the stated deadline. In addition, you are required to interact (comment on at least one other

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students response) in each discussion board question. These responses are considered your attendance and will form the basis for your class participation grade.

2. **Online Access:** Course materials will be housed at *MyCourses*. The address to the site is: dartmouth.umassonline.net. The username is password is *exactly* the same as your UMass Dartmouth email username and password. All of your online courses are located at this site.

3. **Outside Readings/Personal Interests:** Students are encouraged to develop a dialogue in the online setting based on outside readings, experiences, or personal interests that are related to the subject matter. Because we are dealing with subjects of health, welfare, and justice (“sustainability”), each student undoubtedly has personal experiences/viewpoints that will add to the discussion. You are encouraged to share such viewpoints.

Required Readings

Barry & Whitcomb, *The Legal Foundations of Public Administration* (Third Edition).

Web-postings (provided by professor)

Student Behavior/Conduct

UMass-Dartmouth has developed a detailed student handbook to deal with various issues of student behavior. Each student should consult this resource for a better understanding of issues surrounding academic dishonesty. Any perceived negative behavior in this class will result in the student being reported and disciplined. I strive to treat each student as an adult, and will do so unless I am given a reason to act otherwise.

Course Outline

Introduction: Overview

Week One – Introduction to Materials

Week Two – Reading Constitutional and Statutory Provisions

Part I: The Development of Administrative Law

Week Three – Administrative Authority

Week Four – Origins of the Administrative Process

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Part II: Legislative and Judicial Controls Over the Administrative Process

Week Five – Delegation of Power (the “Delegation” Doctrine)

Week Six – Judicial Review of Administrative Acts

Part III: The Internal Administrative Process

Week Seven – Administrative Power to Investigate

Week Eight – Administrative Power to Make Rules

Week Nine – Administrative “Due Process” Considerations

Week Ten – Administrative Discretion in Decisionmaking

Part IV: Remedies

Week Eleven – Remedies Against Improper Administrative Acts

Week Twelve – Open Government

Part V: Case Studies and Analysis

Week Thirteen – Thanksgiving, nothing due!

Week Fourteen – Case Study #1

Week Fifteen – Case Study #2

Week Sixteen – Paper Completion

<u>Grading</u>	<u>Weight</u>
Class Participation	25%
Assignments/Exercises	35%
Paper	40%