COURSE: PB AF 599 C
ADMINISTRATIVE LAW FOR PUBLIC MANAGERS
SPRING 2016
T/TH 2:30 – 3:50 PM
ROOM: CHL 101

Professor Michelle Gonzalez
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Office Hours: by appointment
email: gonzm@uw.edu
Phone: (206) 221-4629
Evans School of Public Policy and Governance
University of Washington

COURSE DESCRIPTION

This course will focus on the essentials of administrative law for public administration students: the purpose of administrative law, the broad constitutional constraints on public administration; administrative law's frameworks for rulemaking, adjudication, enforcement, and transparency; and the parameters of internal executive and external judicial and legislative review of administrative action. The course examines federal administrative law and some Washington state parallels to federal designs and requirements. Guest speakers will speak about particular federal, state, and local agency designs and timely topics.

Professor Gonzalez has worked in the private and public sectors. She earned her JD from U.C. Berkeley and MPA from Harvard's Kennedy School of Government. She brings practical experience as a former government attorney, enforcing federal anti-discrimination laws in employment.


EXPECTATIONS

Students are expected to attend all classes. More than 3 absences will negatively affect the student participation portion of the grade absent extenuating circumstances. Students are expected to critically analyze the readings and regularly participate in class discussions. For some classes, you will be required to submit written responses to questions, which must be submitted a day prior to the class discussion.

Guest speakers should be treated with common courtesy and respect. Being absent when a guest speaker is scheduled to speak will negatively affect the student participation portion of the grade unless there is an extenuating circumstance for the absence. Readings assigned for a guest speaker must be read in advance of class.

GRADE

Student Participation – 30%
Students will be required to participate in class, which will count toward 30% of the grade. Participation is more than being present in class; it includes responding to questions, sharing responses to questions assigned, and engaging in discussion. Students will be required to submit short responses to questions on some readings. These written responses will count toward the student participation grade.

Oral Presentation – 30%

Students will be required to work with a partner to make an oral presentation in class on a topic of interest. I will provide more information and guidance by mid quarter for the end of the quarter oral presentation.

Final Paper – 40%

Each team for the oral presentation will also be required to write a final paper on their research. The final paper will count toward 40% of the grade.

TEACHING APPROACH

Course teaching will rely on: reading and audio materials, written and oral assignments; and lectures. Guest speakers will be invited to speak and engage in Q & A with students.

ACCESS AND ACCOMMODATION

Your experience in this class is important to me. If you have already established accommodations with Disability Resources for Students (DRS), please communicate your approved accommodations to me as soon as you are able so we can discuss your needs in this course.

If you have not yet established services through DRS, but have a temporary health condition or permanent disability that requires accommodations (conditions include but not limited to; mental health, attention-related, learning, vision, hearing, physical or health impacts), you are welcome to contact DRS at 206-543-8924 or uwdrs@uw.edu or disability.uw.edu. DRS offers resources and coordinates reasonable accommodations for students with disabilities and/or temporary health conditions. Reasonable accommodations are established through an interactive process between you, your instructor(s) and DRS. It is the policy and practice of the University of Washington to create inclusive and accessible learning environments consistent with federal and state law.

READINGS AND ASSIGNMENTS

The assigned reading and other assignments, unless stated otherwise, must be completed before the date of the class for which it is assigned. The syllabus may be amended during the course, and I will give you sufficient notice about any changes.

REQUIRED BOOKS:


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<tr>
<th>DATE</th>
<th>READING AND OTHER ASSIGNMENTS</th>
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<tbody>
<tr>
<td>Tuesday</td>
<td>Introduction to Administrative Law for Public Managers</td>
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<tr>
<td>March</td>
<td>What is Administrative Law?</td>
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<td>29</td>
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<tr>
<td>Date</td>
<td>Activity</td>
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| Thursday March 31 | The U.S. Constitution and Administrative Law  
Rosenbloom, Ch. 2, pp. 19 – 61.  
Write a response to Q. 1, 2, and 3 at p. 61, which you must submit by 8:00 pm on Wednesday March 29, and be prepared to discuss your responses in class.  
Additional discussion questions:  
What is meant by a “headless fourth branch of government”?  
Why was the Sarbanes-Oxley provision for removing members of the Public Company Accounting Oversight Board unconstitutional? |
| Tuesday April 5 | Read Frequently Asked Questions for Dept. of Ecology Rulemaking  
We will watch a public hearing: Air Quality Program Proposed Rulemaking and State Implementation Plan Revision  
Review the relevant documents:  
http://www.ecy.wa.gov/programs/air/rules/wac173400/1601docs.htm |
| Thursday April 7 | Administrative Rulemaking  
Read: Rosenbloom, Ch. 3, pp. 63 – 87 and  
**Student Project:**  
Find a proposed rule on a topic of interest to you. Write a summary of the proposed rule, a one to two paragraph comment to it, and be prepared to discuss in class. Submit your written summary and comment on canvas by 8:00 pm on Wednesday, April 6.  
Additional discussion questions:  
How easy was the regulations.gov site to use and find your proposed rule? What changes would you make, if any, to the site? |
| Tuesday April 12 | SPEAKER: TED YACKULIC, ATTORNEY FOR THE ENVIRONMENTAL PROTECTION AGENCY  
Read EPA News Release on Treaty Rights:  
https://yosemite.epa.gov/opa/admpress.nsf/bd4379a92ceceefe8525735900400c27/6978b196e97e005485257f61006ece661opendocument  
Read the links at bottom, which include EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights, and EPA Policy on Consultation and Coordination with Indian Tribes  
Read Memorandum of Understanding Between EPA and Wash. Dept. of Ecology on Lower Duwamish waterway cleanup.  
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<th>Date</th>
<th>Topic</th>
<th>Reading/Activities</th>
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| April 14  | Individuals’ Constitutional Rights in Administrative Encounters      | Rosenbloom, Ch. 2, pp. 43 – 61  
Review Questions No.s 2 and 3 and be prepared to discuss your responses in class.  
Be prepared to respond in class:  
What constitutional right does McNabb have to refuse nutrition and hydration?  
What right does the Dept. of Corrections have to force feed a prisoner? Do you agree with the court’s ruling? Why or why not? |
| April 19  | SPEAKER: MAIA BELLON, DIRECTOR OF DEPARTMENT OF ECOLOGY, WASHINGTON STATE | Read Front and Centered blog:  
http://frontandcentered.org/clean-air-rule-recommendations/  
re-read Frequently Asked Questions for Dept. of Ecology Rulemaking  
Find a proposed rule before the Dept. of Ecology, and write at least 2 questions about the rule. Submit your questions to me by noon on Monday, April 18. |
| April 21  | Evidentiary Adjudication and Enforcement                              | Read: Rosenbloom, Ch. 4, pp. 89 – 122 and  
*Sackett v. EPA*, 132 S.Ct. 1367 |
| April 26  | SPEAKER: LORRAINE LEE, CHIEF ADMINISTRATIVE LAW JUDGE, WASHINGTON STATE |  |
| April 28  | Transparency                                                          | Read: Rosenbloom, Ch. 5, pp. 123 – 150  
Be prepared to discuss questions 1 – 4 at p. 150.  
(Washington’s Public Records Act) |
| May 3     | Judicial and Legislative Review of Administrative Action              | Rosenbloom, Ch. 6, pp. 151 – 184, 185 - 193  
Draft responses to questions 1 – 3 at p. 184, and submit on canvas. Be prepared to discuss in class. |
| May 5     | SPEAKER: JORGE BARON, EXECUTIVE DIRECTOR, NORTHWEST IMMIGRANT RIGHTS PROJECT | Executive Orders and Immigration |
| May 10    | GUEST SPEAKER: MIKE CHIN, SEATTLE OFFICE FOR CIVIL RIGHTS             | Administrative Enforcement of Civil Rights  
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<th>Event Date</th>
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<tr>
<td>Tuesday May 17</td>
<td>Students will work in teams and do mock arguments related to the <em>Garcetti</em> case of free speech.</td>
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<td>Thursday May 19</td>
<td>Federal Recognition of Native American Tribes&lt;br&gt;Read: <em>When A Tribal Entity Becomes a Nation: The Role of Politics In The Shifting Federal Recognition Regulations</em>, 39 Am. Indian L. Rev. 451, 2015-16</td>
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<td>Thursday May 26</td>
<td>Judicial Review of Agency Action&lt;br&gt;SPEAKER: DAN FORD, COLUMBIA LEGAL SERVICES</td>
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<td>Tuesday May 31</td>
<td>Student Oral Presentations</td>
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<td>Thursday June 2</td>
<td>Student Oral Presentations</td>
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**EVANS SCHOOL POLICY ON ACADEMIC INTEGRITY, STUDENT RIGHTS AND RESPONSIBILITIES, AND SATISFACTORY PROGRESS**


**Plagiarism**

One of the most common forms of cheating is plagiarism, using another's words or ideas without proper citation. When students plagiarize, they usually do so in one of the following six ways:

1. **Using another writer's words without proper citation.** If you use another writer's words, you must place quotation marks around the quoted material and identify the source of the quotation.

2. **Using another writer's ideas without proper citation.** When you use another author's ideas, you must indicate with an in-text citation, note, or other means where this information can be found. Your instructors want to know which ideas and judgments are yours and which you arrived at by consulting other sources. Even if you arrived at the same judgment on your own, you need to acknowledge that the writer you consulted also came up with the idea.

3. **Citing your source but reproducing the exact words of a printed source without quotation marks.** This makes it appear that you have paraphrased rather than borrowed the author's exact words.
4. Borrowing the structure of another author's phrases or sentences without crediting the author from whom it came. This kind of plagiarism usually occurs out of laziness: it is easier to replicate another writer's style than to think about what you have read and then put it in your own words.

5. Borrowing all or part of another student's paper or using someone else's outline to write your own paper.

6. Using a paper writing "service" or having a friend write the paper for you. Regardless of whether you pay a stranger or have a friend (inside or outside the School) do it, it is a breach of academic honesty to hand in work that is not your own or to use parts of another student's paper. This includes internet paper-writing resources. Note that it is also considered academic misconduct if you are the friend who willingly wrote a paper for someone else or shared your work for copying.

**Multiple submissions**
Multiple submission is the practice of submitting a single paper for credit in two different classes (in the same quarter or in different quarters). The UW does not have a general policy prohibiting this practice. However, because an individual professor may not permit the practice in their class, a student wishing to make a multiple submission must clear it with both professors involved. Non-compliance will result in a violation of the University's standard of conduct.

**Exams**
Another common form of cheating involves exams. The following will all be considered violations of the student conduct code:
Copying from someone else's exam, or allowing another student to copy from your exam;  
Aiding another student during an exam where collaboration is prohibited, including talking,  
signs, gestures, or sharing notes;  
Using notes (unless expressly allowed by the teacher, in which case notes must follow their  
specifications);  
Using any electronic device such as a tablet, laptop or mobile phone unless expressly  
permitted by the instructor;  
Altering an exam for re-grading;  
Getting an advance copy of the examination;  
Using a surrogate test-taker;  
Working together on a take-home exam when an instructor forbids collaboration;  
Deliberately delaying turning in a timed class exam; such a delay would unfairly give that  
student extra time and will be considered a form of cheating.

Lying  
Lying encompasses the following: the willful and knowledgeable telling of an untruth, as well as  
any form of deceit, attempted deceit, or fraud in an oral or written statement relating to academic  
work. This includes but is not limited to the lying to administration and faculty members, and  
falsifying any university document by mutilation, addition, or deletion.

What happens if there is a suspected violation?  
It is the responsibility of the entire Evans School community to uphold its academic standards  
and integrity. It is the Evans School's policy that instructors maintain discretion over whether and  
how any suspected academic misconduct should be reflected in the grade for that assignment,  
exam, or for the course. This may include a zero grade. Students who disagree with the  
instructors' assessment should follow the University's normal grade appeal process (see  
below). Proven academic misconduct as outlined above could also result in disciplinary action  
from the Graduate School, including probation or dismissal from the University. In addition,  
instructors who suspect misconduct will report the misconduct to the Graduate Program  
Coordinator.