

COURSE: PUBPOL 599 C
POLICY IMPLEMENTATION AND THE LAW
AUTUMN 2016
M/ W 9:30 – 10:50 AM
ROOM: GOULD HALL 436

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Evans School of Public Policy and Governance
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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.

Required Coursebook: Administrative Law for Public Managers by David Rosenbloom, 2015 (Westview Press).

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. The purpose of written responses is to generate thoughtful discussion in class.

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%

You will be required to write a final paper, which will count toward 40% of the grade. The paper topic will be assigned by mid quarter.

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:

Administrative Law for Public Managers, 2d ed., David H. Rosenbloom (Westview Press 2015). Books will be available at the University of Washington Bookstore.

DATE	READING AND OTHER ASSIGNMENTS
Wed Sept 28	Introduction to Administrative Law for Public Managers What is Administrative Law?

	Rosenbloom, Preface, Ch. 1, pp 1 – 17, be prepared to answer discussion questions at pp.16-17
Mon Oct 3	<p>The U.S. Constitution and Administrative Law Rosenbloom, Ch. 2, pp. 19 – 61.</p> <p>Write a response to Q. 1, 2, and 3 at p. 61, which you must submit by 10:00 pm on Oct. 2 on canvas, and be prepared to discuss your responses in class.</p> <p>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?</p>
Wed Oct 5	<p>Administrative Rulemaking Read: Rosenbloom, Ch. 3, pp. 63 – 87 and Student Project: Read “How to Use Regulations” in regulations.gov, http://www.regulations.gov/#!help 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 <u>be prepared to discuss in class</u>. Submit your written summary and comment on canvas by 10:00 pm on Oct. 4.</p> <p>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?</p>
Mon Oct 10	<p>SPEAKER: ROBIN ZUKOSKI Ms. Zukoski is the former Policy Director for Columbia Legal Services and will speak about how litigation has been used to change administrative rules.</p>
Wed Oct 12	<p>SPEAKER: SEATTLE CITY COUNCILMEMBER DEBORA JUAREZ Councilmember Juarez will speak about the history of American law and rights of Indian tribes. She will also talk about why the City of Seattle chose to support the Standing Rock Sioux Tribe’s opposition to construction of the Dakota Access Pipeline in North Dakota. Read: “The Legal Case for Blocking the Dakota Access Pipeline” http://www.theatlantic.com/technology/archive/2016/09/dapl-dakota-sitting-rock-sioux/499178/ <u>When A Tribal Entity Becomes a Nation: The Role of Politics In The Shifting Federal Recognition Regulations</u>, 39 Am. Indian L. Rev. 451, 2015-16</p>

<p>Mon Oct 17</p>	<p>SPEAKER: TED YACKULIC, ENVIRONMENTAL PROTECTION AGENCY, STAFF ATTORNEY</p> <p>Read EPA News Release on Treaty Rights: https://yosemite.epa.gov/opa/admpress.nsf/bd4379a92ceceeac8525735900400c27/6978b196e97e005485257f61006ece66!opendocument</p> <p>Read 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</p>
<p>Wed Oct 19</p>	<p>Individuals' Constitutional Rights in Administrative Encounters Rosenbloom, Ch. 2, pp. 43 – 61</p> <p>Review Questions No.s 2 and 3 and be prepared to discuss your responses in class.</p> <p>Read: <i>McNabb v. Dept. of Corrections</i>, 163 Wash.2d 393 (2008). 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?</p>
<p>Mon Oct 24</p>	<p>Evidentiary Adjudication and Enforcement Read: Rosenbloom, Ch. 4, pp. 89 – 122 and <i>Sackett v. EPA</i>, 132 S.Ct. 1367</p>
<p>Wed Oct 26</p>	<p>SPEAKER: LORRAINE LEE, CHIEF ADMINISTRATIVE LAW JUDGE, WASHINGTON STATE Ms. Lee is based in Olympia, WA. She will discuss the role of state administrative law judges. She will also discuss the new role of administrative hearings in marijuana regulation.</p>
<p>Mon Oct 31</p>	<p>Transparency Read: Rosenbloom, Ch. 5, pp. 123 – 150 Be prepared to discuss questions 1 – 4 at p. 150. <i>Resident Action Council v. Seattle Housing Authority</i>, 177 Wash.2d 417 (2013) (Washington's Public Records Act)</p>
<p>Wed Nov 2</p>	<p>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 by 10:00 pm on Nov. 2. Be prepared to discuss in class.</p>
<p>Mon Nov 7</p>	<p>SPEAKER: JORGE BARON, EXECUTIVE DIRECTOR, NORTHWEST IMMIGRANT RIGHTS PROJECT Mr. Baron will speak on the recent policy changes in immigration law and the role of immigration advocates in shaping immigration policy.</p>

Wed Nov 9	Administrative Enforcement of Civil Rights Read: <i>Ellis v. Naval Air Rework Facility</i> , 404 F.Supp. 391 (N.D. Calif. 1975)
Mon Nov 14	SPEAKER: MOLLY POWELL, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION AND MIKE CHIN, SEATTLE OFFICE FOR CIVIL RIGHTS Ms. Powell and Mr. Chin will discuss their respective roles in federal and state agencies, which enforce anti-discrimination laws.
Wed Nov 16	Public Employees and Freedom of Speech Read: <i>Garcetti v. Ceballos</i> , 547 U.S. 410, May 30, 2006 Students will work in teams and do mock arguments related to the <i>Garcetti</i> case of free speech.
Mon Nov 21	Judicial Review of Agency Action <i>Zoe et al. v. Wash. Dept. of Ecology</i> (2015 WL 7721362)
Wed Nov 23	<i>Rios v. Wash. Dept. of Labor and Industries</i> , 145 Wash.2d 483 (2002) The role of the Dept. of Labor and Industries to promulgate rules to protect worker safety under the Washington Industrial Safety and Health Act.
Mon Nov 28	Course Review and Final Paper Discussion
Wed Nov 30	Student Oral Presentations
Mon Dec 5	Student Oral Presentations
Wed Dec 7	FINAL PAPER DUE

EVANS SCHOOL POLICY ON ACADEMIC INTEGRITY, STUDENT RIGHTS AND RESPONSIBILITIES, AND SATISFACTORY PROGRESS

Please refer to the Evans School Student Handbook, 2015-16 for details on rights and responsibilities of students regarding academic conduct,

http://evans.uw.edu/sites/default/files/public/MPA%20Student%20Handbook%202015-16_FINAL_0.pdf.

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.