

RECEIVED**Course Information**

Date Submitted: 4/8/2013

Current Prefix and Number: HP - Historic Preservation, HP 602 - DYNAM HIS PRSRVTN: LAW /L& USE PLAN/ECO

Other Course:

Proposed Prefix and Number: HP 602

What type of change is being proposed?

Major – Add Distance Learning

Should this course be a UK Core Course? No

Revised OCT 18 2013
APC 9/12/13
OFFICE OF THE
SENATE COUNCIL

1. General Information

a. Submitted by the College of: College of Design

b. Department/Division: Historic Preservation

c. Is there a change in 'ownership' of the course? No

If YES, what college/department will offer the course instead: Select...

e. Contact Person

Name: Emily Bergeron

Email: emilybergeron@mac.com

Phone: 607-220-3466

Responsible Faculty ID (if different from Contact)

Name: Douglas Appler

Email: douglas.appler@uky.edu

Phone: 257-6411

f. Requested Effective Date

Semester Following Approval: Yes OR Effective Semester:

2. Designation and Description of Proposed Course

a. Current Distance Learning (DL) Status: Please Add

b. Full Title: DYNAMICS OF HISTORIC PRESERVATION: LAW, LAND USE PLANNING, AND ECONOMICS

Proposed Title: Historic Preservation Law

c. Current Transcript Title: DYNAM HIS PRSRVTN: LAW /L& USE PLAN/ECO

Proposed Transcript Title: Historic Preservation Law

d. Current Cross-listing: none

Proposed – ADD Cross-listing :

Proposed – REMOVE Cross-listing:

e. Current Meeting Patterns

LECTURE: 3

Proposed Meeting Patterns

LECTURE: 3

f. Current Grading System: Graduate School Grade Scale

Proposed Grading System: PropGradingSys

g. Current number of credit hours: 3

Proposed number of credit hours: 3

h. Currently, is this course repeatable for additional credit? No

Proposed to be repeatable for additional credit? No

If Yes: Maximum number of credit hours:

If Yes: Will this course allow multiple registrations during the same semester? No

2i. Current Course Description for Bulletin: A sequel to HP 601, this course is an advanced examination of the history, theory, and legal and economic aspects of architectural preservation. Course readings and discussions will address issues on preservation legislation, the planning process, historic districts and landmarks, tax and economic incentives for preservation/restoration, and rural and urban real estate. Practicing professionals to serve as guest speakers.

Proposed Course Description for Bulletin: The goal of this course is to assist non-lawyers in understanding laws, policies, and procedures and how they impact your professional practice as preservationists, planners, archaeologists, and in other conservation related fields. Preservation law encompasses a number of practice areas including, but not limited to land use and zoning, real property, local government, constitutional, administrative, and environmental law as well as the conservation of archaeological resources.

2j. Current Prerequisites, if any: Prereq: HP 601 or consent of instructor.

Proposed Prerequisites, if any:

2k. Current Supplementary Teaching Component:

Proposed Supplementary Teaching Component:

3. Currently, is this course taught off campus? No

Proposed to be taught off campus? No

If YES, enter the off campus address:

4. Are significant changes in content/student learning outcomes of the course being proposed? No

If YES, explain and offer brief rationale:

5a. Are there other depts. and/or pgms that could be affected by the proposed change? No

If YES, identify the depts. and/or pgms:

5b. Will modifying this course result in a new requirement of ANY program? No

If YES, list the program(s) here:

6. Check box if changed to 400G or 500: No

Distance Learning Form

Instructor Name: Douglas Appler

Instructor Email: douglas.appler@uky.edu

Internet/Web-based: No

Interactive Video: No

Hybrid: Yes

1. How does this course provide for timely and appropriate interaction between students and faculty and among students? Does the course syllabus conform to University Senate Syllabus Guidelines, specifically the Distance Learning Considerations? The course uses "GoToMeeting" software to allow students and faculty to participate in an online video conference. The session includes a powerpoint and an accompanying lecture provided by an experienced preservation lawyer (Emily Bergeron). The lecture is given in real-time, and students are able to ask questions verbally for the entire group to hear, or they can type them in and send them to the professor for her to read and respond to.

2. How do you ensure that the experience for a DL student is comparable to that of a classroom-based student's experience? Aspects to explore: textbooks, course goals, assessment of student learning outcomes, etc. All required readings are accessible by UK students through the library website or are public documents freely available to the public online. The weekly written response pieces, the midterm exam, and the final exam are submitted and returned to the students electronically, exactly as they are for on-campus courses. The evaluation of learning outcomes and the achievement of course goals are measured as they are in most courses where written "tests" or response pieces are used to evaluate student performance.

3. How is the integrity of student work ensured? Please speak to aspects such as password-protected course portals, proctors for exams at interactive video sites; academic offense policy; etc. In addition to the Academic Integrity Code, which is included in the syllabus and makes clear that the students' work is expected to be their own, the exams and response pieces are open generally open book essays, and they require the students to synthesize information that has been covered in lectures and in readings. By requiring such a heavy amount of writing in response to specific questions that relate to content covered in class, plagiarism, or having someone who wasn't taking the course write the response, would be very difficult.

4. Will offering this course via DL result in at least 25% or at least 50% (based on total credit hours required for completion) of a degree program being offered via any form of DL, as defined above? No.

If yes, which percentage, and which program(s)? N/A

5. How are students taking the course via DL assured of equivalent access to student services, similar to that of a student taking the class in a traditional classroom setting? The course work does not require accessing hard copies of material that can only be found in the library, for example. All resources used are electronic, including readings. For those exercises that require attending a local historic preservation commission meeting, the students are encouraged to use the commission that is most easily accessible for them. And both faculty members associated with the course are available by phone, email, video, and in the case of Dr. Appler, by traditional office hours.

6. How do course requirements ensure that students make appropriate use of learning resources? When course readings are not available for free online (the National Park Service and the Advisory Council on Historic Preservation provide a great deal of information), the students may find the identified readings through the UK libraries website by searching through the online journals, or by using Lexis Nexis.

7. Please explain specifically how access is provided to laboratories, facilities, and equipment appropriate to the course or program. There are no labs or external facilities required for the course.

8. How are students informed of procedures for resolving technical complaints? Does the syllabus list the entities available to offer technical help with the delivery and/or receipt of the course, such as the Information Technology Customer Service Center (<http://www.uky.edu/UKIT/>)? The syllabus contains instructions for the students to first contact either professor, and further advises them to contact Information Technology Customer Service Center.

9. Will the course be delivered via services available through the Distance Learning Program (DLP) and the Academic Technology Group (ATL)? NO

If no, explain how student enrolled in DL courses are able to use the technology employed, as well as how students will be provided with assistance in using said technology. Students are emailed a url that takes them to the Go To Meeting meeting site for the day's lecture. They are asked to provide their name and email address (which verifies that they were "invited" to the meeting). After that, the organizer (Emily Bergeron) is visible on-screen and can be heard by everyone who is has logged in. The organizer then switches to her "desktop" view, and begins the lecture. The students can ask questions verbally or make text comments that are read by the group or by the organizer.

10. Does the syllabus contain all the required components? YES

11. I, the instructor of record, have read and understood all of the university-level statements regarding DL.

Instructor Name: Douglas R. Appler

SIGNATURE|MASPEA3|Michael A Speaks|HP 602 CHANGE Dept Review|20130415

SIGNATURE|HDSAWD|A Whiteside-Dickson|HP 602 CHANGE College Review|20130711

SIGNATURE|HDSJTO|Jeannine T Omohundro|HP 602 CHANGE Approval Resent to College|20130905

SIGNATURE|ZNNIKO0|Roshan N Nikou|HP 602 CHANGE Graduate Council Review|20130822

SIGNATURE|HDSAWD|A Whiteside-Dickson|HP 602 CHANGE Approval Returned to College|20131017

SIGNATURE|ZNNIKO0|Roshan N Nikou|HP 602 CHANGE Graduate Council Review|20130912

SIGNATURE|JEL224|Janie S Ellis|HP 602 CHANGE Senate Council Review|20131009

Courses	Request Tracking
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Course Change Form

https://myuk.uky.edu/sap/bc/soap/rfc?services=

Open in full window to print or save

Generate R

Attachments:

Browse...

Upload File

ID	Attachment
Delete: 2134	HP Law Spring 2013 Syllabus.docx

First 1 Last

Select saved project to retrieve...

Get New

NOTE: Start form entry by choosing the Current Prefix and Number (*denotes required fields)

Current Prefix and Number:	HP - Historic Preservation HP 602 - DYNAM HIS PRSHVTN: LAW /L& USE PLAN/ECO	Proposed Prefix & Number:	HP 602
* What type of change is being proposed?		<input type="checkbox"/> Major Change <input checked="" type="checkbox"/> Major - Add Distance Learning <input type="checkbox"/> Minor - change in number within the same hundred series, exception 600 same "hundred series" <input type="checkbox"/> Minor - editorial change in course title or description which does not imply content or emphasis <input type="checkbox"/> Minor - a change in prerequisite(s) which does not imply a change in content or emphasis, or which is made necessary by the elimination or significant all the prerequisite(s) <input type="checkbox"/> Minor - a cross listing of a course as described above	
Should this course be a UK Core Course? <input type="radio"/> Yes <input checked="" type="radio"/> No			
IF YES, check the areas that apply:			
<input type="checkbox"/> Inquiry - Arts & Creativity <input type="checkbox"/> Composition & Communications - II <input type="checkbox"/> Inquiry - Humanities <input type="checkbox"/> Quantitative Foundations <input type="checkbox"/> Inquiry - Nat/Math/Phys Sci <input type="checkbox"/> Statistical Inferential Reasoning <input type="checkbox"/> Inquiry - Social Sciences <input type="checkbox"/> U.S. Citizenship, Community, Diversity <input type="checkbox"/> Composition & Communications - I <input type="checkbox"/> Global Dynamics			
1. General Information			
a. Submitted by the College of:		College of Design	
		Submission Date: 4/8/2013	
b. Department/Division:		Historic Preservation	
c.* Is there a change in "ownership" of the course?			
<input type="radio"/> Yes <input checked="" type="radio"/> No IF YES, what college/department will offer the course instead? Select...			
e.* * Contact Person Name:		Emily Bergeron	
		Email: emilybergeron@mac.com; Phone: 607-220-3466	
* Responsible Faculty ID (if different from Contact):		Douglas Appler	
		Email: douglas.appler@uky.edu; Phone: 257-6411	
f.* Requested Effective Date:		<input checked="" type="checkbox"/> Semester Following Approval	
		OR Specific Term: *	
2. Designation and Description of Proposed Course.			
a. Current Distance Learning (DL) Status:		<input type="radio"/> N/A <input type="radio"/> Already approved for DL* <input checked="" type="radio"/> Please Add <input type="radio"/> Please Drop	
*If already approved for DL, the Distance Learning Form must also be submitted <u>unless</u> the department affirms (by checking this box) the proposed changes do not affect DL delivery.			
b. Full Title:		DYNAMICS OF HISTORIC PRESERVATION: LAW, LAND USE PLANNING, AND ECONOMICS	
		Proposed Title: * Historic Preservation Law	
c. Current Transcript Title (if full title is more than 40 characters):		DYNAM HIS PRSRVTN: LAW /L& USE PLAN/ECO	

c. Proposed Transcript Title (if full title is more than 40 characters):		Historic Preservation Law			
d. Current Cross-listing:		<input type="checkbox"/> N/A	OR	Currently ² Cross-listed with (Prefix & Number):	none
Proposed - ADD ³ Cross-listing (Prefix & Number):					
Proposed - REMOVE ^{3,4} Cross-listing (Prefix & Number):					
e. Courses must be described by at least one of the meeting patterns below. Include number of actual contact hours ⁵ for each meeting pattern type.					
Current:	Lecture 3	Laboratory ⁵	Recitation	Discussion	Indep. Study
	Clinical	Colloquium	Practicum	Research	Residency
	Seminar	Studio	Other:	Please explain:	
Proposed: *	Lecture 3	Laboratory ⁵	Recitation	Discussion	Indep. Study
	Clinical	Colloquium	Practicum	Research	Residency
	Seminar	Studio	Other:	Please explain:	
f. Current Grading System:		Graduate School Grade Scale			
Proposed Grading System:*		<input checked="" type="radio"/> Letter (A, B, C, etc.) <input type="radio"/> Pass/Fail <input type="radio"/> Medicine Numeric Grade (Non-medical students will receive a letter grade) <input type="radio"/> Graduate School Grade Scale			
g. Current number of credit hours:	3			Proposed number of credit hours:*	3
h.* Currently, is this course repeatable for additional credit?					<input type="radio"/> Yes <input checked="" type="radio"/> No
* Proposed to be repeatable for additional credit?					<input type="radio"/> Yes <input checked="" type="radio"/> No
If YES:		Maximum number of credit hours:			
If YES:		Will this course allow multiple registrations during the same semester?			<input type="radio"/> Yes <input checked="" type="radio"/> No
i. Current Course Description for Bulletin:					
A sequel to HP 601, this course is an advanced examination of the history, theory, and legal and economic aspects of architectural preservation. Course readings and discussions will address issues on preservation legislation, the planning process, historic districts and landmarks, tax and economic incentives for preservation/restoration, and rural and urban real estate. Practicing professionals to serve as guest speakers.					
* Proposed Course Description for Bulletin:					
The goal of this course is to assist non-lawyers in understanding laws, policies, and procedures and how they impact your professional practice as preservationists, planners, archaeologists, and in other conservation related fields. Preservation law encompasses a number of practice areas including, but not limited to land use and zoning, real property, local government, constitutional, administrative, and environmental law as well as the conservation of archaeological resources.					
j. Current Prerequisites, if any:					
Prereq: HP 601 or consent of instructor.					
* Proposed Prerequisites, if any:					
*					
k. Current Supplementary Teaching Component, if any:				<input type="checkbox"/> Community-Based Experience	

	<input type="radio"/> Service Learning <input type="radio"/> Both	
<i>Proposed Supplementary Teaching Component:</i>	<input type="radio"/> Community-Based Experience <input type="radio"/> Service Learning <input type="radio"/> Both <input type="radio"/> No Change	
3. Currently, is this course taught off campus?	<input type="radio"/> Yes <input checked="" type="radio"/> No	
* Proposed to be taught off campus?	<input type="radio"/> Yes <input checked="" type="radio"/> No	
If YES, enter the off campus address:		
4.* Are significant changes in content/student learning outcomes of the course being proposed?	<input type="radio"/> Yes <input checked="" type="radio"/> No	
If YES, explain and offer brief rationale:		
5. Course Relationship to Program(s).		
a.* Are there other depts and/or pgms that could be affected by the proposed change?	<input type="radio"/> Yes <input checked="" type="radio"/> No	
If YES, identify the depts. and/or pgms:		
b.* Will modifying this course result in a new requirement² for ANY program?	<input type="radio"/> Yes <input checked="" type="radio"/> No	
If YES ² , list the program(s) here:		
6. Information to be Placed on Syllabus.		
a.	<input type="checkbox"/> Check box if changed to 400G or 500.	If changed to 400G- or 500-level course you must send in a syllabus and <i>you must include the different</i> between undergraduate and graduate students by: (i) requiring additional assignments by the graduate and/or (ii) establishing different grading criteria in the course for graduate students. (See SR 3.1.4.)
Distance Learning Form		
This form must accompany <u>every</u> submission of a new/change course form that requests distance learning delivery. This form may be required when changing a course already approved for All fields are required!		
Introduction/Definition: For the purposes of the Commission on Colleges Southern Association of Colleges and Schools accreditation review, <i>distance learning</i> is defined as educational process in which the majority of the instruction (interaction between students and instructors and among students) in a course occurs when students and instructor in the same place. Instruction may be synchronous or asynchronous. A distance learning (DL) course may employ correspondence study, or audio, video, or computer technology.		
A number of specific requirements are listed for DL courses. The department proposing the change in delivery method is responsible for ensuring that the requirements below are satisfied at the individual course level. It is the responsibility of the instructor to have read and understood the university-level assurances regarding an equitable experience for students utilizing DL (available at http://www.uky.edu/USC/New/forms.htm).		
Course Number and Prefix:	HP 602	Date: 4/8/2013
Instructor Name:	Douglas Appler	Instructor Email: douglas.appler@uky.edu
Check the method below that best reflects how the majority of the course content will be delivered.		
Internet/Web-based <input type="checkbox"/> Interactive Video <input type="checkbox"/> Hybrid <input checked="" type="checkbox"/>		
Curriculum and Instruction		
1. How does this course provide for timely and appropriate interaction between students and faculty and among students? Does the course syllabus conform to University Syllabus Guidelines, specifically the Distance Learning Considerations? The course uses "GoToMeeting" software to allow students and faculty to participate in an online video conference. The session includes a powerpoint and an accompanying lecture provided by an experienced preservation		

2. How do you ensure that the experience for a DL student is comparable to that of a classroom-based student's experience? Aspects to explore: textbooks, course goal assessment of student learning outcomes, etc.
All required readings are accessible by UK students through the library website or are public documents freely available to the public online. The weekly written response pieces, the midterm exam, and the final exam are

3. How is the integrity of student work ensured? Please speak to aspects such as password-protected course portals, proctors for exams at interactive video sites; acad offense policy; etc.

In addition to the Academic Integrity Code, which is included in the syllabus and makes clear that the students' work is expected to be their own, the exams and response pieces are open generally open book essays, and they

4. Will offering this course via DL result in at least 25% or at least 50%* (based on total credit hours required for completion) of a degree program being offered via an DL, as defined above?
No.

Which percentage, and which program(s)?
N/A

*As a general rule, if approval of a course for DL delivery results in 50% or more of a program being delivered through DL, the effective date of the course's DL delive six months from the date of approval.

5. How are students taking the course via DL assured of equivalent access to student services, similar to that of a student taking the class in a traditional classroom set? The course work does not require accessing hard copies of material that can only be found in the library, for example. All resources used are electronic, including readings. For those exercises that require attending a

Library and Learning Resources

6. How do course requirements ensure that students make appropriate use of learning resources?

When course readings are not available for free online (the National Park Service and the Advisory Council on Historic Preservation provide a great deal of information), the students may find the identified readings through

7. Please explain specifically how access is provided to laboratories, facilities, and equipment appropriate to the course or program.

There are no labs or external facilities required for the course.

Student Services

8. How are students informed of procedures for resolving technical complaints? Does the syllabus list the entitles available to offer technical help with the delivery and/ or the course, such as the Information Technology Customer Service Center (<http://www.uky.edu/UKIT/>)?

The syllabus contains instructions for the students to first contact either professor, and further advises them to contact Information Technology Customer Service Center.

9. Will the course be delivered via services available through the Distance Learning Program (DLP) and the Academic Technology Group (ATL)?

Yes
 No

If no, explain how students enrolled in DL courses are able to use the technology employed, as well as how students will be provided with assistance in using said tec Students are emailed a url that takes them to the Go To Meeting meeting site for the day's lecture. They are asked to provide their name and email address (which verifies that they were "invited" to the meeting). After

10. Does the syllabus contain all the required components, below? Yes

- Instructor's *virtual* office hours, if any.
- The technological requirements for the course.
- Contact information for Distance Learning programs (<http://www.uky.edu/DistanceLearning>) and Information Technology Customer Service Center (<http://www.uky.edu/UKIT/Help/>; 859-218-HELP).
- Procedure for resolving technical complaints.
- Preferred method for reaching instructor, e.g. email, phone, text message.
- Maximum timeframe for responding to student communications.
- Language pertaining academic accommodations:
 - "If you have a documented disability that requires academic accommodations in this course, please make your request to the University Disability Reso Center. The Center will require current disability documentation. When accommodations are approved, the Center will provide me with a Letter of Accor which details the recommended accommodations. Contact the Disability Resource Center, Jake Karnes, Director at 859-257-2754 or jkarnes@email.uky
- Specific dates of face-to-face or synchronous class meetings, if any.
- Information on Distance Learning Library Services (<http://www.uky.edu/Libraries/DLIS>)
 - Carla Cantagallo, DL Librarian
 - Local phone number: 859 257-0500, ext. 2171; long-distance phone number: (800) 828-0439 (option #6)
 - Email: dlservice@email.uky.edu
 - DL Interlibrary Loan Service: http://www.uky.edu/Libraries/libpage.php?web_id=253&lib_id=16

11. I, the instructor of record, have read and understood all of the university-level statements regarding DL.

Instructor Name: Douglas R. Appler

Abbreviations: DLP = Distance Learning Programs ATG = Academic Technology Group Customer Service Center = 859-218-HELP (<http://www.uky.edu/UKIT/Help/>)

Revised 8/09

- ^[1] See comment description regarding minor course change. *Minor changes are sent directly from dean's office to Senate Council Chair.* If Chair deems the change as "r" form will be sent to appropriate academic Council for normal processing and contact person is informed.
- ^[2] Courses are typically made effective for the semester following approval. No course will be made effective until all approvals are received.
- ^[3] Signature of the chair of the cross-listing department is required on the Signature Routing Log.
- ^[4] Removing a cross-listing does not drop the other course – it merely unlinks the two courses.
- ^[5] Generally, undergrad courses are developed such that one semester hr of credit represents 1 hr of classroom meeting per wk for a semester, exclusive of any lab meeting generally represents at least two hrs per wk for a semester for 1 credit hour. (See SR 5.2.1.)
- ^[6] You must also submit the Distance Learning Form in order for the course to be considered for DL delivery.
- ^[7] In order to change a program, a program change form must also be submitted.

Submit as New Proposal Save Current Changes

HP 602: Dynamics of Historic Preservation: Law, Land Use Planning, and Economics



Instructors: Emily Bergeron (emilybergeron@mac.com)

Doug Appler (douglas.appler@uky.edu)

Course Meeting Time: TBA

Classroom: TBA

Course Objectives

Everything we do, everything we touch, every job we hold is governed by some form of law. Despite its pervasiveness, most people have a very limited understanding of the law. This is not at all surprising considering the often complex, and admittedly, sometimes boring nature of the study of law. It uses complex and often antiquated language; it is constantly in flux with every changing administration; and its practitioners are, well let's just consider this question:

What happens when a lawyer is made godfather?
... He makes you an offer you can't understand!

Although studying the law can be challenging, there is a sense of accomplishment in putting together the pieces of a legal puzzle, even if it requires some effort. More importantly, knowing that you can competently participate in legal discussions at your job is very satisfying. If your chosen profession has anything to do with historic preservation it is inevitable that you will be faced with matters of law as saving buildings, landscapes, and culturally significant objects is a highly regulated and specialized undertaking. Preservation law encompasses a number practice areas including, but not limited to land use and zoning, real property, local government, constitutional, administrative, and environmental law as well as the conservation of archaeological resources. The goal of this course is to assist non-lawyers in understanding laws, policies, and procedures and how they impact your professional practice as preservationists, planners, archaeologists, and in other conservation-related fields. This will not only enhance your ability to serve as an advocate for preservation projects but will also enable you to identify potential legal issues before they become problems requiring crisis management. This basic understanding of the subject matter will also facilitate interactions with government agencies and attorneys by providing a background and basic vocabulary to enable you to ask the right questions.

Expected Learning Outcomes

By the end of the course, students will have developed and demonstrated their awareness of:

- Historic preservation-specific laws
- Cultural Resource Management laws
- Environmental, transportation, and tax laws implicating preservation
- Easements and covenants
- American Indian issues
- Constitutional issues in preservation

Welcome to the study of preservation law!

Course Structure

This course will meet one day a week live and online for lectures and discussions. You will be able to “attend” this lecture from any location using the GoToMeeting online conferencing program (please see *Technical Requirements* below). In addition to the live sessions, this course will require watching short lectures on the class website, completing class readings, and participating in the online discussion by posting comments to the class website (see *Attendance/Participation*). All class readings will be made available online. Additional suggested readings can be provided on the class webpage for those students needing clarification of or additional information about these topics. In addition to the course readings, please check the course webpage for weekly posts. The page will provide links to relevant documents, other important websites, and further explanation of concepts discussed in class.

Course Requirements

- 40% Class responses and participation
- 30% Midterm Exam
- 30% Final Exam

Attendance/Participation

(40% of grade): Because of the nature of this class, participation will be measured by your online comments, questions, and responses to readings, lectures, and questions. Throughout the semester, students will be required to submit eight entries. The subject of these entries may relate to that week’s readings; the response should be a thoughtful commentary on an issue relating to that week’s (not the previous week’s) readings, or may respond to a question asked on the class website. The entry must be at least 300 words in length (though students are welcome to write more than that if they want). Responses are (usually) due by one hour prior to the scheduled online discussion session.

If you meet all of the requirements for the assignment (due date, length requirement, entry, and response), they will receive full credit. If students don’t meet all of the requirements, they will not receive credit at all.

Keep track of your responses:

	1	2	3	4	5	6	7	8
Posts								
Responses								

Exams

(60% of grade: 30% for midterm, 30% for final): The course midterm will be distributed via the class website. You will have one week to complete and return the exam to the instructor by email. The final exam will be distributed 2 weeks prior to the last day of class. A copy will be made available on the course website. This exam will be cumulative. It will be due on the University scheduled date for the final exam. Electronic submissions of exams must be in pdf format, and must be submitted via email no later than the end time of the scheduled exam. After this time, all submissions will be considered late. Late papers will be penalized one letter grade for each day beyond the due date. Papers may always be submitted early.

Course Website

The purpose of the course website is to provide recorded mini-lectures accompanied by class readings, discussion points, film clips, and additional references that will help give the student some context for the material in the lectures. Class presentations, including class notes and slide presentations will be posted weekly. You will also be required to post comments and questions related to class materials as well as homework assignments.

Technical Requirements

This course will require you to watch short lectures on the class website, download readings and course slides, participate in a weekly online discussion session, and email documents to the instructor. The University of Kentucky Distance Learning Technical requirements can be found at:

<http://www.uky.edu/DistanceLearning/current/technology/techRegs.html>

We will be using the GoToMeeting online conferencing program. You will not need to register for or purchase any subscription for this service. You will simply receive an email invitation to the class discussion, you will be instructed on how to download the required software, and then you will be able to participate in the video session. For this you will need a webcam.

Technical Problems

If problems arise with the class website or links to class readings please contact me immediately via email at emilybergeron@mac.com and I will repair any problems and will contact the class to inform them of the repair. If the technical difficulty is not with the website, class readings, or video conferencing program, please contact the University of Kentucky's Information Technology Customer Service Center:

<http://www.uky.edu/UKIT>

859.218.HELP

Contact information for Distance Learning programs (<http://www.uky.edu/DistanceLearning>) tel. (859) 257-3377.

Information on Distance Learning Library Services (<http://www.uky.edu/Libraries/DLLS>)

Carla Cantagallo, DL Librarian

Local phone number: 859 257-0500, ext. 2171; long-distance phone number: (800)

828-0439 (option #6)

Email: dllservice@email.uky.edu

DL Interlibrary Loan Service:

http://www.uky.edu/Libraries/libpage.php?lweb_id=253&lilib_id=16

Course Policies

Contacting the Instructor

While there will not be scheduled office hours, you are encouraged to be in regular contact with the instructor. I welcome your feedback and am happy to discuss your questions or concerns. Please contact me via email at emilybergeron@mac.com. I will respond via email within 24 hours with an answer to your question or to schedule a time that works for you to talk on the phone or video conference. NOTE: Please include "HP Law" in the Subject line of your emails.

In addition to being able to contact me, you may also contact Professor Doug Appler in the College of Design. You can reach Professor Appler via email at douglass.appler@uky.edu, by phone at (859)257.6411, or in person in 117 Pence Hall.

Change

As the course develops, I may make changes in the readings, assignments, and/or scheduling. If there are issues, ideas or readings you want to include in this course, please let me know. This is your course, and we will make time for any new ideas if possible. You should be willing to devote some time to finding material and leading discussion on those new ideas.

Grading:

Throughout the term, grades will be assigned to completed projects. Projects will receive a letter grade and verbal or written comments.

Letter grades shall be understood to represent:

A – Assigned to work completed substantially above the final expectation for the studio level. Work represents exceptional integration of design issues in relation to the design problem. Work relies upon both consideration of relevant analysis and original design ideas to jointly support design decisions. (U.S.R. 5.1.1: "Represents an exceptionally high achievement as a result of aptitude, effort and intellectual initiative.")

B – Assigned to work completed above the final expectation for the studio level. Work demonstrates strong integration of design issues in relation to the design problem. Work shows consideration of relevant analysis to support design decisions. (U.S.R. 5.1.1: "Represents a high achievement as a result of ability and effort.")

C – Assigned to work completed at the below average expectation for the studio level. Work represents minimal integration of design issues. Work does not exhibit significant or strong solutions to design criteria or analysis. (U.S.R. 5.1.1: "Represents unsatisfactory achievement for graduate students and is the minimum passing grade for which credit is given.")

I – U.S.R. 5.1.3.2: "A grade of I (Incomplete) may be assigned to a graduate student if a part of the

work of a course remains undone and there is a reasonable possibility that a passing grade will result from completion of the work. All Incompletes must be replaced by a regular final letter grade within 12 months of the end of the academic term in which the I grade was awarded.”

Letter grades shall be understood to translate mathematically as follows:

A	100 – 90%
B	89.9 – 80%
C	79.9 – 70%
F	69.9% and below

Unless previous arrangements have been made with the instructor, late assignments will not be accepted. Late assignments will be penalized one letter grade per day.

All grades and scores will consider the completion of the stated assignment objectives and requirements, design analysis considerations, and the execution of the submitted assignment. While the projects that comprise this course can be technically completed to earn credit, mere completion of an assignment does not constitute the minimum qualification for receiving a satisfactory grade.

Academic Integrity

All students are expected to comply with the University Code on Academic Integrity (http://www.uky.edu/Ombud/ForStudents_AcademicIntegrity.php). Students are encouraged to talk with each other about class content, including the content of the readings; however, any work submitted by a student in this course must be the student's own work.

Accommodations For Students With Disabilities

If you have a documented disability that requires academic accommodations in this course, please make your request to the University Disability Resource Center. The Center will require current disability documentation. When accommodations are approved, the Center will provide me with a Letter of Accommodation which details the recommended accommodations. Contact the Disability Resource Center, Jake Karnes, Director, at 859.257.2754 or jkarnes@email.uky.edu

Suggested References

You are not required to purchase any texts for this course as all required readings will be made available online; however, these references may be something you would like to add to your library. They offer excellent summaries and explanations of the subject matter at hand and you may use them at some point in your preservation practice. If you would like additional suggested readings on a particular subject matter, please let me know and I will be happy to help.

Miller, J. (2000). *A Layperson's Guide to Historic Preservation Law: A Survey of Federal, State, and Local Laws Governing Historic Resource Protection*. Washington, DC: National Trust for Historic Preservation.

U.S. Department of the Interior, National Park Service. (2002). *Federal Historic Preservation Laws*. Washington, DC: National Center for Cultural Resources, National Park Service. (Also available at <http://www.nps.gov/history/local-law/fhpl.htm>)

King, T. (2000). *Federal Planning and Historic Places: The Section 106 Process*, New York, NY: AltaMira Press.

Course Schedule and Readings

Please complete the assigned readings prior to the discussion session.

Class 1: Introduction to Historic Preservation Law

No Readings

Class 2: Federal Historic Preservation Laws leading up to the National Historic Preservation Act

Phelan, M. (1993). A Synopsis of the Laws Protecting Our Cultural Heritage. *New England Law Review*, Vol. 28.

Class 3: National Historic Preservation Act

National Historic Preservation Act

Regulations for Protection of Historic Properties

Section 106 of the National Historic Preservation Act: Back to Basics (Summary Report)

Section 106 Regulations Summary @ www.achp.gov/106summary.html

Castaneda, C. (Winter 2004). History Beneath the Surface: Natural Gas Pipelines and the National Historic Preservation Act, *The Public Historian*, Vol. 26, No. 1, pp. 105-121.

Class 4: Environmental and Transportation Laws Implication Preservation Matters

National Environmental Policy Act

Hardwick, J. (1984). National Environmental Policy Act: Destruction of Buildings on the National Register. *Natural Resource Journal*, Volume 24, No. 1, pp. 235-245.

Draft NEPA and NEPA Process Handbook, available at <http://www.fedcenter.gov/Documents/index.cfm?id=8974>

Please read through the information and sections re. 4(f) at this website: <http://environment.fhwa.dot.gov/4f/index.asp>

FHWA Section 4(f) Policy Paper, available at <http://environment.fhwa.dot.gov/4f/4fpolicy.pdf>

Class 5: Taxes

Please *thoroughly* examine the NPS website on the Historic Rehabilitation Tax Credit: <http://www.nps.gov/tps/tax-incentives/before-you-apply.htm>. In particular, please look at the "Program Regulations" and go through the "Incentives" tutorial.

Class 6: Review Week

During this week, please look through your notes, readings, class posts, etc. and prepare any questions you may have regarding the information covered up to this point. The MIDTERM EXAM will be posted to the course website 24 hours before we meet for the week 6 discussion session. During the class discussion I will address any issues regarding the clarification of exam questions and will answer questions relating to the general information covered up to this point.

Class 7 State and Local Laws

** MIDTERM EXAMS must be submitted to the instructor via email in pdf form no later than one hour prior to the time of the scheduled discussion session.

National Historic Preservation Act (Sections 61.1, 61.4, 61.5, and 61.6)

Massachusetts Constitution, Article L1

Alaska Constitution, Article VII, Section 7

Kentucky State Laws Re. Preservation and CRM @ <http://anthropology.as.uky.edu/sites/default/files/KY-Laws.pdf>

** National Conference of State Historic Preservation Officers webpage: www.ncshpo.org
(Please take a look at the page of your state of choice to see the relevant preservation laws. Be prepared to discuss in class).

Class 8 : Local Laws, Continued

Macgill, M. (1984). Local historic Preservation Measures as an Alternative to Federal Preservation Efforts. *Virginia Journal of Natural Resources Law*, Volume 3, No. 2 pp. 263-283.

City of Chicago et al. v. Anthony Roppolo et al., 447 N.E.2d 870 (Ill. App. 1983).

Christopher D. Bowers, "Is Your Preservation Commission Procedurally Correct?" The Alliance Review (Summer 1995). Available at <http://tinyurl.com/22qgqlq>

Regulations Designed to Prevent a Demolition of a Historic Landmark Unless That Would Result in a Taking. Available at <http://tinyurl.com/28lmnt8>

Class 9: Archaeology and the Law

Archaeology Laws: A Guide for Professionals available at <http://www.nps.gov/archeology/tools/laws/index.htm>

Section 106 Archeology Guidance @ <http://www.achp.gov/archguide/>

Class 10: American Indian Issues

Native American Graves Protection and Repatriation Act

American Indian Religious Freedom Act

Lyng v. Northwest Indian Cemetery Protective Association, 485 U.S. 439 (1988).

Executive Order 13007

Iraola, R. (2004). Special Feature: A Primer On The Criminal Penalty Provisions Of The Native American Graves Protection And Repatriation Act. *American Indian Law Review*, Volume 26, pp. 431-445.

The Relationship Between Executive Order 13007 Regarding Indian Sacred Sites and Section 106, *available at* <http://www.achp.gov/eo13007-106.html>.

Downer, A. & Roberts, A. (1996). The Navajo Experience with the Federal Historic Preservation Program. *Natural Resources and the Environment (ABA)*, Volume 10, No. 3, pp. 39-42, 78-79.

Class 11: Takings Challenges!

Penn Central Transportation Company v. New York City, 438 U.S. 104 (1978).

Idaho Historic Preservation Council, Inc. v. City Council of City of Boise, 8 P. 3d 646 (Id. 2000).

Strong, A. & Mandelker, D. (1996). Property rights and takings. *Journal of the American Planning Association*, Volume 62, Issue 1, pp. 5-16.

Cavarello, D. (1995). From Penn Central to United Artists' I & II: The Rise to Immunity of Historic Preservation Designation from Successful Takings Challenges. *Boston College Environmental Affairs Review*, Volume 22, No. 3, pp. 593-622.

Class 12: Religious Challenges

U.S. Constitution: First Amendment

Religious Land Use and Institutionalized Persons Act (RLUIPA)

St. Bartholomew's Church v. City of New York, 914 F.2d 348 (2d Cir. 1990).

Babcock, R & Theriaque, D. (1992). "Landmarks Preservation Ordinances: Are the Religion Clauses Violated by Their Application to Religious Properties?", *Journal of Land Use and Environmental Law*, Vol. 7, No. 2 pp. 165-201.

Wills, T. (1992). Religious Landmarks, Guidelines for Analysis: Free Exercise, Takings, and Least Restrictive Means. *Ohio State Law Journal*, Volume 53, No. 1, pp. 211-238. (Available via Hein Online)

Weinstein, A. (March 2008). How to Avoid a "Holy War"—Dealing with Potential RLUIPA Claims. *American Planning Association, Planning & Environmental Law*, Volume 60, No. 3, pp. 3-9.

Class 13: Easements and Open Space Preservation

Easements to Protect Historic Properties: A Useful Historic Preservation Tool with Potential Tax Benefits, available at <http://www.nps.gov/tps/tax-incentives/taxdocs/easements-historic-properties.pdf>

Sample facade easement, available at http://www.cappresinc.org/images/Model_Facade_Easement.pdf

Class 14: Class Wrap-up

No readings

***** Once again, please don't hesitate to contact me or Professor Appler at any time with questions or concerns about the class**

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