

**1. General Information**

1a. Submitted by the College of: LAW

Date Submitted: 8/13/2014

1b. Department/Division: Law

1c. Contact Person

Name: Douglas Michael

Email: michaeld@uky.edu

Phone: 71485

Responsible Faculty ID (if different from Contact)

Name:

Email:

Phone:

1d. Requested Effective Date: Semester following approval

1e. Should this course be a UK Core Course? No

**2. Designation and Description of Proposed Course**

2a. Will this course also be offered through Distance Learning?: No

2b. Prefix and Number: LAW 829

2c. Full Title: State Constitutional Law

2d. Transcript Title:

2e. Cross-listing:

2f. Meeting Patterns

LECTURE: 3

2g. Grading System: Letter (A, B, C, etc.)

2h. Number of credit hours: 3

2i. Is this course repeatable for additional credit? No

If Yes: Maximum number of credit hours:

If Yes: Will this course allow multiple registrations during the same semester?

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AUG 13 2014

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SENATE COUNCIL

2j. Course Description for Bulletin: This course provides a comprehensive overview of the law of state constitutions. Course topics include the framing of state constitutions; state constitutional rights; state governmental powers; the structures of state government; and state constitutional change, including theories of popular constitutionalism and direct democracy. Each of these topics will be addressed in two ways: (1) through comparison of the treatment of the topics in different state constitutions and the federal Constitution; and (2) through focused experimentation of the topics as they are presented in the Kentucky Constitution and interpreted in Kentucky case law.

2k. Prerequisites, if any: LAW 822 - Constitutional Law II

2l. Supplementary Teaching Component:

3. Will this course taught off campus? No

If YES, enter the off campus address:

4. Frequency of Course Offering: Spring,

Will the course be offered every year?: Yes

If No, explain:

5. Are facilities and personnel necessary for the proposed new course available?: Yes

If No, explain:

6. What enrollment (per section per semester) may reasonably be expected?: 25

7. Anticipated Student Demand

Will this course serve students primarily within the degree program?: Yes

Will it be of interest to a significant number of students outside the degree pgm?: No

If Yes, explain:

8. Check the category most applicable to this course: Traditional – Offered in Corresponding Departments at Universities Elsewhere,

If No, explain:

9. Course Relationship to Program(s).

a. Is this course part of a proposed new program?: No

If YES, name the proposed new program:

b. Will this course be a new requirement for ANY program?: No

If YES, list affected programs:

10. Information to be Placed on Syllabus.

a. Is the course 400G or 500?: No

b. The syllabus, including course description, student learning outcomes, and grading policies (and 400G-/500-level grading differentiation if applicable, from 10.a above) are attached: Yes

## Distance Learning Form

Instructor Name:

Instructor Email:

Internet/Web-based: No

Interactive Video: No

Hybrid: No

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?

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.

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.

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?

If yes, which percentage, and which program(s)?

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?

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

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

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/>)?

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.

10. Does the syllabus contain all the required components? NO

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

Instructor Name:

Courses	Request Tracking
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### New Course Form

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

[Open in full window to print or save](#)

**Attachments:**

No file selected.

ID	Attachment
Delete 3553	State Constitutional Law--Syllabus--Fall 2013.doc

First 1 Last

Select saved project to retrieve...

(\*denotes required fields)

**1. General Information**

- a. \* Submitted by the College of: LAW Submission Date: 8/13/2014
- b. \* Department/Division: Law
- c.
  - \* Contact Person Name: Douglas Michael Email: michaeld@uky.edu Phone: 71485
  - \* Responsible Faculty ID (if different from Contact) Email: Phone:

d. \* Requested Effective Date: \* Semester following approval OR  Specific Term/Year<sup>1</sup>

e. Should this course be a UK Core Course?  Yes \*  No

If YES, check the areas that apply:

- Inquiry - Arts & Creativity  Composition & Communications - II
- Inquiry - Humanities  Quantitative Foundations
- Inquiry - Nat/Math/Phys Sci  Statistical Inferential Reasoning
- Inquiry - Social Sciences  U.S. Citizenship, Community, Diversity
- Composition & Communications - I  Global Dynamics

**2. Designation and Description of Proposed Course.**

a. \* Will this course also be offered through Distance Learning?  Yes<sup>4</sup> \*  No

b. \* Prefix and Number: LAW 829

c. \* Full Title: State Constitutional Law

d. Transcript Title (if full title is more than 40 characters):

e. To be Cross-Listed<sup>2</sup> with (Prefix and Number):

f. \* Courses must be described by at least one of the meeting patterns below. Include number of actual contact hours<sup>3</sup> for each meeting pattern type.

3	Lecture	Laboratory <sup>1</sup>	Recitation	Discussion
	Indep. Study	Clinical	Colloquium	Practicum
	Research	Residency	Seminar	Studio
	Other	If Other, Please explain:		

g. \* Identify a grading system:

- \* Letter (A, B, C, etc.)
- Pass/Fail
- Medicine Numeric Grade (Non-medical students will receive a letter grade)
- Graduate School Grade Scale

h. \* Number of credits: 3

i. \* Is this course repeatable for additional credit?  Yes \*  No

If YES: Maximum number of credit hours:

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

j. \* Course Description for Bulletin:

This course provides a comprehensive overview of the law of state constitutions. Course topics include the framing of state constitutions; state constitutional rights; state governmental powers; the structures of state government; and state constitutional change, including theories of popular constitutionalism and direct democracy. Each of these topics will be addressed in two ways: (1) through comparison of the treatment of the topics in different state constitutions and the federal Constitution; and (2) through focused experimentation of the topics as they are presented in the Kentucky Constitution and interpreted in Kentucky case law.

k. Prerequisites, if any:

LAW 822 - Constitutional Law II

l. Supplementary teaching component, if any:  Community-Based Experience  Service Learning  Both

3. \* Will this course be taught off campus?  Yes \*  No

If YES, enter the off campus address:

4. Frequency of Course Offering.

a. \* Course will be offered (check all that apply):  Fall  Spring  Summer  Winter

b. \* Will the course be offered every year? \*  Yes  No

If No, explain:

5. \* Are facilities and personnel necessary for the proposed new course available? \*  Yes  No

If No, explain:

6. \* What enrollment (per section per semester) may reasonably be expected? 25

7. Anticipated Student Demand.

a. \* Will this course serve students primarily within the degree program? \*  Yes  No

b. \* Will it be of interest to a significant number of students outside the degree pgm?  Yes \*  No

If YES, explain:

8. \* Check the category most applicable to this course:

- Traditional – Offered in Corresponding Departments at Universities Elsewhere  
 Relatively New – Now Being Widely Established  
 Not Yet Found in Many (or Any) Other Universities

9. Course Relationship to Program(s).

a. \* Is this course part of a proposed new program?  Yes \*  No

If YES, name the proposed new program

b. \* Will this course be a new requirement <sup>5</sup> for ANY program?  Yes \*  No

If YES <sup>5</sup>, list affected programs::

10. Information to be Placed on Syllabus.

a. \* Is the course 400G or 500?  Yes \*  No

If YES, the *differentiation for undergraduate and graduate students must be included in the information required in 10.b.* You must include: (i) identification of additional assignments by the graduate students; and/or (ii) establishment of different grading criteria in the course for graduate students. (See SR 3.1.4.)

b.  \* The syllabus, including course description, student learning outcomes, and grading policies (and 400G-/500-level grading differentiation if applicable, from 10.a above) are attached.

<sup>1</sup> Courses are typically made effective for the semester following approval. No course will be made effective until all approvals are received.

<sup>2</sup> The chair of the cross-listing department must sign off on the Signature Routing Log.

<sup>3</sup> In general, undergraduate courses are developed on the principle that one semester hour of credit represents one hour of classroom meeting per week for a semester, exclusive of any laboratory meeting. Laboratory meeting, generally, represents at least two hours per week for a semester for one credit hour. (from SR 5.2.1)

<sup>4</sup> You must also submit the Distance Learning Form in order for the proposed course to be considered for DL delivery.

<sup>5</sup> In order to change a program, a program change form must also be submitted.



**UNIVERSITY OF KENTUCKY**  
College of Law

**State Constitutional Law  
LAW 904—Fall 2013  
Professor Scott R. Bauries**

**Tuesday, Wednesday, & Friday 1:00-1:50, P.M.**

**Room 137, Law Building**

**Welcome to State Constitutional Law. I feel very fortunate to have the opportunity to introduce you to this important and challenging area of the law. I am looking forward to getting to know each of you. This document outlines the policies that I will follow in teaching the course. Please carefully review this document prior to the first class meeting on Tuesday, August 27<sup>th</sup>, and use it for reference throughout the semester.**

#### **OFFICE HOURS**

I will be in my office from early morning until mid-afternoon most days, and from early morning until late night on at least one day a week (usually Monday or Wednesday), if you wish to drop by and see me. I am also available by appointment if you want to be sure that I will be in my office when you come by.

#### **CONTACT INFORMATION**

Office Telephone: (859) 257-4228  
Email: [scott.bauries@uky.edu](mailto:scott.bauries@uky.edu)

Feel free to contact me with questions as you prepare for class, as you continue your study of education law throughout the academic year, and after you have moved on. **You will receive a response much more quickly if you contact me by e-mail than you will if you contact me by telephone.**

#### **COURSE OVERVIEW**

The course in State Constitutional Law focuses on the role of state constitutions in the American legal system. Course topics include the framing of state constitutions; state constitutional rights; state governmental powers; the structures of state government; and state constitutional change, including theories of federalism, popular constitutionalism, and direct democracy. Each of these topics will be addressed in two

ways: (1) through comparison of the treatment of the topics in different state constitutions and the federal Constitution; and (2) through focused examination of the topics as they are presented in the Kentucky Constitution and interpreted in Kentucky caselaw.

## **COURSE MATERIALS, ONLINE DISCUSSIONS, AND TWEN PAGE**

In the interest of saving trees and saving Kentucky taxpayers' money, instead of distributing hand-outs in class, I will post all materials on Westlaw's *The West Education Network* ("TWEN"). Some of your reading assignments will draw on materials not published in your Casebook. I will post these materials on our TWEN page as they become relevant. I will also post your assignment sheets periodically on TWEN. You should check TWEN frequently beginning very early in the semester.

During the semester, will also, from time to time, post questions for discussion on our TWEN page. For each question I post, I will designate several students as "discussion leaders." If you are designated a discussion leader for a particular question, then you must respond to that question substantively (i.e., a short essay-type response, with analysis and argument). Your responses to discussions for which you are a discussion leader will count for 10% of your grade in the class. Regardless of whether you are designated as a discussion leader for a particular question, you are expected to read all contributions to each discussion, and you are encouraged to add your thoughts and questions. Also, all TWEN discussions will be fair game for the exam. The TWEN page will also contain links to certain information that you might find useful or interesting as you go through this course. If you are unable to access TWEN, please contact your Westlaw student representative as soon as possible.

## **READING ASSIGNMENTS**

I will assign readings for this course out of the required text, and occasionally from materials posted in the **Course Materials** section of the TWEN site. I will also periodically post assignment sheets in the **Course Materials** section of the TWEN site. These assignment sheets will usually reflect about two weeks' worth of reading material. During each class, I will post on the front board your readings for the next class.

Your first day assignment is posted both on TWEN, on the "first day assignment" webpage maintained by the College (accessible at <http://www.law.uky.edu/files/firstassignments/>), and in the 2L and 3L "Class Assignments" bulletin boards on the first floor of the Law Building. I will post each subsequent assignment sheet only on TWEN.

## **CLASS ATTENDANCE**

Under American Bar Association and UK College of Law standards, class attendance is required. The material covered in this course, like that in all law courses, requires close reading and active analysis. Many of the analytical skills that you will

learn in this course cannot be learned effectively without guided practice. Failure to attend classes and actively participate will leave you at a substantial disadvantage relative to your classmates.

I do not add points to or deduct points from the final grade for attendance. **Tardiness, however, is another matter. It is a baseline expectation of the course that every student arrive on time every day.** Of course, I understand that bad weather and other factors can cause a student to be late on rare occasions, but habitual tardiness disrupts the class and disrespects the efforts of one's classmates to order their affairs sufficiently to show up on time. By far the most common comment that I have received in the "things to improve" portion of my course evaluations for this course in the past has been that I should do something about students who show up late to class. Accordingly, I will make note of late arrivals, and **excessive tardiness (determined in my sole discretion) will result in a lowering of the final grade.**

## CLASS PARTICIPATION

I expect each of you to be thoroughly prepared for each and every class and to participate meaningfully in class discussions. I also expect each of you to have ***carefully*** read all of the assigned reading and completed any assigned problems for each and every class. I will ***randomly*** call on students each day to engage in in-depth dialogue with me and the rest of the class. You must be prepared each day to participate in such dialogue. **Participation on one day does not excuse lack of participation on the next day.**

**If circumstances beyond your control prevent you from being prepared on any particular day, you must notify me in writing before that class begins** (a simple handwritten note on a piece of scrap paper will do). Whether you notify my or not, **habitual unpreparedness, determined in my sole discretion, will result in a lowering of the final grade.**

## REQUIRED TEXT

1. RANDY J. HOLLAND, STEPHEN R. McALLISTER, JEFFREY M. SHAMAN, & JEFFREY S. SUTTON, STATE CONSTITUTIONAL LAW: THE MODERN EXPERIENCE. ISBN No. 978-0-314-26449-7.

## EXAMINATION AND GRADING

In the interest of avoiding exam conflicts and affording each of you the best opportunity for success, you will be able to select the date on which you prefer to take the exam during the exam period. The exam will consist entirely of essay questions, and I will administer it through anonymity-protecting email. You will have most of a workday to complete it, and your answers will be word-limited to prevent you from writing past the point of diminishing returns, and to encourage your editing and proofreading of your responses. **The exam will count for 90% of your final grade,**



and your contributions to the discussions for which you are a discussion leader, along with the other contributions you make to class or TWEN discussions, will account for the other 10%. This total is subject to any adjustments must be made for habitual tardiness or habitual unpreparedness.

## **DISABILITY SERVICES**

If you have a disability that requires accommodation, please see Dean Michael as early in the semester as possible to request the appropriate accommodation(s).

## **LAPTOP AND INTERNET USE IN CLASS**

**I do not permit the use of laptops or other electronic devices by students in this class.** Using a laptop for note-taking in law classes prepares you better to be a court reporter than a lawyer. Laptop use also has a strong potential to distract other students. Accordingly, I ask you to live without them for three hours a week, and I appreciate your cooperation and understanding.

**Exception:** If you have a disability or a temporary medical issue that requires you to use a laptop or other electronic device for note-taking, please see Dean Michael prior to the first relevant class to request this accommodation. If such an accommodation is granted, I will certainly honor it.

## **A FINAL NOTE**

I have a special affinity for this course because I do most of my academic writing on state constitutional topics. I designed this course as a response to many conversations that I have had over the years with state and federal court judges on the lack of knowledge that lawyers typically have of the constitutions of the states in which they are licensed. We may have the opportunity to meet some of these jurists over the course of the semester.

For background as to the need for state constitutional studies in law schools, I invite you to read Sixth Circuit Judge Sutton's excellent recent piece. Jeffrey S. Sutton, *Why Teach - and Why Study - State Constitutional Law*, 34 OKLA. CITY U. L. REV. 165 (2009).

I look forward to meeting each of you and introducing you to this challenging and rewarding area of the law, and my door is open to each of you both throughout the semester and afterwards should you want to discuss any state constitutional topic (or anything else, for that matter).

--SRB