Professor Eric A. Lopez
Office: BUS 227
Office Phone #: (903) 566-7428
Office Hours: MWF, 12:15pm - 2:15pm & by Appointment
Email: elopez@uttyler.edu
- I will only reply to email from an official UT-Tyler email account
- Expect a response within 24 hours

Course Description
By constitutional design, the breadth of governmental authority is balanced by the protection of specifically enumerated individual rights and liberties. While such a balance is a characteristic of a liberal democracy, questions arise over when (and under what circumstances) individual rights may be usurped. Through its responsibility to say what the law is, the Supreme Court has been considered the primary decision maker in determining the proper boundaries of governmental power as it relates to the enumerated rights and liberties of the individual. In this course, students
will critically examine the controversies and issues where the Supreme Court has attempted to settle tensions between liberty, equality, and public order.

**Required Texts**
2) The Professor, through Canvas, will post additional readings.

**Requirements, Dates, and Grades**
*The composition of the student’s final grade will consist of a midterm, a non-cumulative final exam, a legal brief, and 3 (short) response papers.*

- The Midterm and non-cumulative Final Exam will be held, in class, on the dates specified below. The format of each exam will be detailed during the class period prior to the exam, at which point a review session will also be held.
- Five (5) times throughout the semester, I will distribute reflection prompts based on class readings/discussion and you will be responsible for answering three (3) of them throughout the course (i.e. you are responsible for completing three of the five prompts throughout the semester). These prompts will clearly state the expectations/goals of the assignment.
  - *You can only respond to a prompt if you are in attendance when the prompt is distributed. Absolutely no make-ups will be allowed for these papers.*
- The instructions for the legal brief will be explained as the semester progresses, with ample amount of time for students to work on the briefs before they are due.

The following are the weights given to the exams, response papers, the legal brief, and the date that each is due:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Date (Subject to Change)</th>
<th>Grade Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Midterm</td>
<td>Wednesday, October 28, 2017</td>
<td>30%</td>
</tr>
<tr>
<td>Response Papers</td>
<td>TBD</td>
<td>20%</td>
</tr>
<tr>
<td>Legal Brief</td>
<td>Semester-Long</td>
<td>20%</td>
</tr>
<tr>
<td>Final Exam</td>
<td>TBD</td>
<td>30%</td>
</tr>
</tbody>
</table>

Final grades will be granted on the following scale: A=100%-90%, B=89%-80%, C=79%-70%, D=69%-60%, and E=59%-50%.

**UT Tyler Honor Code & Students’ Rights and Responsibilities**
Every member of the UT Tyler community joins together to embrace: Honor and integrity that will not allow me to lie, cheat, or steal, nor to accept the actions of those who do. Students Rights and Responsibilities To know and understand the policies that affect your rights and responsibilities as a student at UT Tyler, please follow this link:
http://www.uttyler.edu/wellness/rightsresponsibilities.php
**Attendance Policy**

Your attendance in this course is not mandatory and your grade in this course will not suffer directly from missing class (other than not being able to respond to a response paper if you are not in attendance when a prompt is distributed). However, the examination material in this class is not only based on the required readings, but on class participation and class discussions, which means that your grade will almost certainly suffer by missing too many classes. Further, borderline grades will be determined by the quality of your overall contribution to the course.

Class notes, either of my own or transcribed by other students, will only be made available to those students whom miss class due to their observance of holidays and special events by organized religions or to students who have a pre-approved absence by the Dean of Students (see also: Student Absence for University-Sponsored Events and Activities and Student Absence due to Religious Observance sections of the syllabus).

For those students who attend lecture, photography of any class notes/lectures is strictly prohibited. Any student found in violation will be asked to leave class for the day.

**“Make Up” Policy**

Make up exams will only be offered to those students that have a University approved absence, a doctor’s note detailing your inability to take the exam on the date provided on this syllabus, or a sudden emergency (e.g. death in your family, illness) that prohibits your attendance for the exam on the date provided on this syllabus. Anyone who has not satisfied any of these requirements and does not take the exam will be given a grade of “0.” Remember, no make-ups are allowed for students that are absent from class when response papers are distributed.

If any conflict (others tests, travel plans, etc.) with the exams exists, notify me by September, 8 2017. Be advised that allowances will only be given in extreme cases with my discretion as to what I define as extreme. (see also: Student Absence for University-Sponsored Events and Activities and Student Absence due to Religious Observance sections of the syllabus).

**Student Absence Due to Religious Observance**

Students who anticipate being absent from class due to a religious observance are requested to inform the Professor of such absences by the second class meeting of the semester.

**Student Absence for University-Sponsored Events and Activities**

If you intend to be absent for a university-sponsored event or activity, you (or the event sponsor) must notify the Professor at least two weeks prior to the date of the planned absence. At that time the Professor will set a date and time when make-up assignments will be completed.

**Student Standards of Academic Conduct**
The UT Tyler community regards cheating as an extremely serious matter and deals severely with those who violate the standards of academic integrity. Disciplinary proceedings may be initiated against any student who engages in scholastic dishonesty, including, but not limited to, cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person, taking an examination for another person, any act designed to give unfair advantage to a student or the attempt to commit such acts.

“Cheating” includes, but is not limited to:
- copying from another student’s test paper;
- using, during a test, materials not authorized by the person giving the test;
- failure to comply with instructions given by the person administering the test;
- possession during a test of materials which are not authorized by the person giving the test, such as class notes or specifically designed “crib notes”. The presence of textbooks constitutes a violation if they have been specifically prohibited by the person administering the test;
- using, buying, stealing, transporting, or soliciting in whole or part the contents of an unadministered test, test key, homework solution, or computer program;
- collaborating with or seeking aid from another student during a test or other assignment without authority;
- discussing the contents of an examination with another student who will take the examination;
- divulging the contents of an examination, for the purpose of preserving questions for use by another, when the instructors has designated that the examination is not to be removed from the examination room or not to be returned or to be kept by the student;
- substituting for another person, or permitting another person to substitute for oneself to take a course, a test, or any course-related assignment;
- paying or offering money or other valuable thing to, or coercing another person to obtain an unadministered test, test key, homework solution, or computer program or information about an unadministered test, test key, home solution or computer program;
- falsifying research data, laboratory reports, and/or other academic work offered for credit;
- taking, keeping, misplacing, or damaging the property of The University of Texas at Tyler, or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct; and
- misrepresenting facts, including providing false grades or resumes, for the purpose of obtaining an academic or financial benefit or injuring another student academically or financially.

“Plagiarism” includes, but is not limited to, the appropriation, buying, receiving as a gift, or obtaining by any means another’s work and the submission of it as one’s own academic work offered for credit.
“Collusion” includes, but is not limited to, the unauthorized collaboration with another person in preparing academic assignments offered for credit or collaboration with another person to commit a violation of any section of the rules on scholastic dishonesty.

All written work that is submitted will be subject to review by plagiarism software.

If a student is suspected of academic dishonesty, the classroom instructor may ask the student to meet with him or her to discuss the incident. A student may admit to allegations of academic dishonesty, waive the right to a hearing and accept penalties imposed by the instructor. The student may also deny all allegations and ask to see the Dean of Student Affairs. An accused student may accept the decision of the Dean of Student Affairs or ask for a hearing before an impartial hearing officer appointed by the university. Witnesses may be called and evidence presented. The hearing officer will consider all evidence and make a decision. The decision of the hearing officer may be appealed to the President by either the student or the Dean of Student Affairs. For further discussion of academic dishonesty and possible penalties, please see: http://www.uttyler.edu/judicialaffairs/scholasticdishonesty.php

Class Conduct and Threatening Behavior
Given the nature of political discourse, some of the topics discussed and debated in class may be sensitive to some students. It is expected that students, regardless of the subject matter, maintain civility in their class comments. The University and the Professor seek to promote a safe environment where students may participate in debates, discussion, and other objectives concurrent with the educational process without compromising their health, safety, and welfare. Concurrent with this ideal, mutual courtesy and respect should govern all classroom conduct. Therefore, threats of physical harm or verbal abuse will not be tolerated in this class.

All electronic devices must be silenced during class (if possible, please turn off all electronic devices) unless you have received prior permission from the Professor. Any such device that interrupts class will be confiscated and returned to the student during the Professor’s office hours. ANYONE USING AN ELECTRONIC DEVICE WITHOUT PRIOR PERMISSION DURING AN EXAMINATION WILL RECEIVE A “0” ON THAT EXAM.

Campus Carry
We respect the right and privacy of students 21 and over who are duly licensed to carry concealed weapons in this class. License holders are expected to behave responsibly and keep a handgun secure and concealed. More information is available at: http://www.uttyler.edu/about/campus-carry/index.php

UT Tyler: A Tobacco-Free University
All forms of tobacco will not be permitted on the UT Tyler main campus, branch campuses, and any property owned by UT Tyler. This applies to all members of the University community, including students, faculty, staff, University affiliates, contractors, and visitors. Forms of tobacco
not permitted include cigarettes, cigars, pipes, water pipes (hookah), bidis, kreteks, electronic cigarettes, smokeless tobacco, snuff, chewing tobacco, and all other tobacco products.

There are several cessation programs available to students looking to quit smoking, including counseling, quitlines, and group support. For more information on cessation programs please visit: www.uttyler.edu/tobacco-free.

Disability Services
In accordance with Section 504 of the Rehabilitation Act, Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA) the University offers accommodations to students with learning, physical and/or psychiatric disabilities. If you have a disability, including non-visible disabilities such as chronic diseases, learning disabilities, head injury, PTSD or ADHD, or you have a history of modifications or accommodations in a previous educational environment you are encouraged to contact the Student Accessibility and Resources office and schedule an interview with the Accessibility Case Manager/ADA Coordinator, Cynthia Lowery Staples. If you are unsure if the above criteria applies to you, but have questions or concerns please contact the SAR office. For more information or to set up an appointment please visit the SAR office located in the University Center, Room 3150 or call (903) 566-7079. You may also send an email to: cstaples@uttyler.edu

If you are registered with the SAR office, please set up a meeting with the Professor to discuss what accommodations should be made to ensure your success in the class.

Grade Replacement/Forgiveness and Census Date Policies
Students repeating a course for grade forgiveness (grade replacement) must file a Grade Replacement Contract with the Enrollment Services Center (ADM 230) on or before the Census Date of the semester in which the course will be repeated. Grade Replacement Contracts are available in the Enrollment Services Center or at http://www.uttyler.edu/registrar.

Each semester’s Census Date can be found on the Contract itself, on the Academic Calendar, or in the information pamphlets published each semester by the Office of the Registrar. Failure to file a Grade Replacement Contract will result in both the original and repeated grade being used to calculate your overall grade point average. Undergraduates are eligible to exercise grade replacement for only three course repeats during their career at UT Tyler; graduates are eligible for two grade replacements. Full policy details are printed on each Grade Replacement Contract.

The Census Date is the deadline for many forms and enrollment actions of which students need to be aware. These include:

• Submitting Grade Replacement Contracts, Transient Forms, requests to withhold directory information, approvals for taking courses as Audit, Pass/Fail or Credit/No Credit.
• Receiving 100% refunds for partial withdrawals. (There is no refund for these after the Census Date)
• Schedule adjustments (section changes, adding a new class, dropping without a “W” grade)
• Being reinstated or re-enrolled in classes after being dropped for non-payment
• Completing the process for tuition exemptions or waivers through Financial Aid State-Mandated Course

The Census Date for this semester is Monday, September 11, 2017.

Course Drop Policy
Texas law prohibits a student who began college for the first time in Fall 2007 or thereafter from dropping more than six courses during their entire undergraduate career. This includes courses dropped at another 2-year or 4-year Texas public college or university. For purposes of this rule, a dropped course is any course that is dropped after the census date (See Academic Calendar for the specific date). Exceptions to the 6-drop rule may be found in the catalog. Petitions for exemptions must be submitted to the Enrollment Services Center and must be accompanied by documentation of the extenuating circumstance. Please contact the Enrollment Services Center if you have any questions. Disability/Accessibility Services In accordance with Section 504 of the Rehabilitation Act, Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA) the University of Texas at Tyler offers accommodations to students with learning, physical and/or psychological disabilities. If you have a disability, including a non-visible diagnosis such as a learning disorder, chronic illness, TBI, PTSD, ADHD, or you have a history of modifications or accommodations in a previous educational environment, you are encouraged to visit: https://hood.accessiblelearning.com/UTTyler (and fill out the New Student application). The Student Accessibility and Resources (SAR) office will contact you when your application has been submitted and an appointment with Cynthia Lowery, Assistant Director of Student Services/ADA Coordinator. For more information, including filling out an application for services, please visit the SAR webpage at: http://www.uttyler.edu/disabilityservices. The SAR office located in the University Center, # 3150 or call 903.566.7079.

Social Security and FERPA Statement
It is the policy of The University of Texas at Tyler to protect the confidential nature of social security numbers. The University has changed its computer programming so that all students have an identification number. The electronic transmission of grades (e.g. via e-mail) risks violation of the Family Educational Rights and Privacy Act; grades will not be transmitted electronically.

Emergency Exits and Evacuation
Everyone is required to exit the building when a fire alarm goes off. Follow your Professor’s directions regarding the appropriate exit. If you require assistance during an evacuation, inform
the Professor in the first week of class. Do not re-enter the building unless given permission by University Police, Fire department, or Fire Prevention Services.

**UT Tyler Resources for Students**
- UT Tyler Writing Center (903.565.5995), writingcenter@uttyler.edu
- UT Tyler Tutoring Center (903.565.5964), tutoring@uttyler.edu
- The Mathematics Learning Center, RBN 4021, this is the open access computer lab for math students, with tutors on duty to assist students who are enrolled in early-career courses.
- UT Tyler Counseling Center (903.566.7254)

**Changes to the Syllabus**
The information contained in this syllabus, other than the grade and absence policies, may be subject to change with reasonable advance notice, as deemed appropriate by the Professor.

**Course Outline and Readings** (subject to change)

Week 1 (August 28 – September 1)
- 8/28 – Introduction to the Course
  - Overview of the course, class policies, and the syllabus
- 8/30 – The Constitution and The (lack of a) Bill of Rights
  - Epstein and Walker pages 3-9
- 8/30 & 9/6 – The Judicial Branch: Powers and Constraints
  - Epstein and Walker Chapter 2 (The Judiciary: Institutional Powers and Constraints)

Week 2 (September 4 – September 8)
- 9/4 – **NO CLASS!!! (LABOR DAY HOLIDAY)**
  - Over the Holiday Weekend, please read Epstein and Walker Chapter 1 (Understanding the U.S. Supreme Court)
- 9/6 – continue, The Judicial Branch: Powers and Constraints
- 9/6 & 9/11 – Does the Bill of Rights Apply to the States?
  - Epstein and Walker Chapter 3 (Incorporation of the Bill of Rights)

Week 3 (September 11 – September 15)
- 9/11 – **FYI: CENSUS DATE**
- 9/11 – continue, Does the Bill of Rights Apply to the States?
- 9/13, 9/18, 9/20, & 9/25 – Free Exercise of Religion
  - Epstein and Walker pages 95-131

Week 4 (September 18 – September 22)
• 9/18, 9/20, & 9/25 – continue, Free Exercise of Religion

Week 5 (September 25 – September 29)
• 9/25 – continue, Free Exercise of Religion
• 9/25, 9/27, 10/2, & 10/4 – Government Establishment of Religion
  o Epstein and Walker pages 131-190
  o Town of Greece v. Galloway (2014) (Canvas)

Week 6 (October 2 – October 6)
• 10/2 & 10/4 – continue, Government Establishment of Religion
• 10/4, 10/9, 10/11, & 10/16 – Freedom of Speech, Assembly, and Association
  o Epstein and Walker Chapter 5, except pages 276-284 (Freedom of Speech, assembly, and Association)
  o Reed v. Town of Gilbert (2015) (Canvas)
  o Walker v. Sons of Confederate Veterans (2015) (Canvas)

Week 7 (October 9 – October 13)
• 10/9, 10/11, & 10/16 – continue, Freedom of Speech, Assembly, and Association

Week 8 (October 16 – October 20)
• 10/16 – continue, Freedom of Speech, Assembly, and Association
  • 10/18 – MIDTERM EXAM

Week 9 (October 23 – October 27)
• 10/23 & 10/25 – The 2nd Amendment
  o Epstein and Walker Chapter 9 (The Right to Keep and Bear Arms)
• 10/25, 10/30, & 11/1 – The Right to Privacy
  o Epstein and Walker Chapter 10, except pages 449-460 (The Right to Privacy)
  o Lawrence v. Texas (2003) (Canvas)
  o Whole Woman’s Health v. Hellerstedt (2016) (Canvas)

Week 10 (October 30 – November 3)
• 10/30 & 11/1 – continue, The Right to Privacy
  o Epstein and Walker Chapter 10, except pages 449-460 (The Right to Privacy)
  o Lawrence v. Texas (2003) (Canvas)
  o Whole Woman’s Health v. Hellerstedt (2016) (Canvas)

Week 11 (November 6 – November 10)
• 11/6 – FYI: Last Day to Drop/Withdraw From Classes
• 11/6, 11/8, & 11/13 – Racial Discrimination
  o Epstein and Walker pages 601-648 and pages 709-715

Week 12 (November 13 – November 17)
• 11/13 – continue, Racial Discrimination
• 11/13, 11/15 & 11/27 – Affirmative Action in Higher Education
  o Epstein and Walker pages 648-669
• *Fisher v. University of Texas* (2016) (Canvas)

**Week 13** (November 20 – November 24)
• **NO CLASS – THANKSGIVING HOLIDAY**

**Week 14** (November 27 – December 1)
• 11/27 – continue, Affirmative Action in Higher Education
• 11/27, 11/29 & 12/4 – Gender Discrimination
  o Epstein and Walker pages 669-688
  o *Sessions v. Morales-Santana* (2017) (Canvas)

**Week 15** (December 4 – December 8)
• 12/4 – continue, Gender Discrimination
• 12/4 & 12/6 – Sexual Orientation Discrimination
  o Epstein and Walker pages 688-694
  o *Obergefell v. Hodges* (2015) (Canvas)

**FINAL EXAMS** (December 11 – December 16)
• **FINAL EXAM: TBD**