



ENV5105

# Administrative Law



## Course Description

The goal of this Administrative Law course is to provide a general introduction to administrative law and then emphasize how to advocate your position to governmental agencies. More specifically, you will gain knowledge of the principles of administrative law and the workings of bureaucratic institutions, as well as an understanding of the critiques of government. In addition, this course examines the implementation of legislative policy through administrative agencies, including the role of administrative agencies in the governmental process, rulemaking, adjudication, and judicial review of agency actions.

**Do you want a PDF version of your Syllabus? Follow the [Student User Guide](https://vermontlaw.instructure.com/courses/1498/files/246185?wrap=1)**

**(<https://vermontlaw.instructure.com/courses/1498/files/246185?wrap=1>).** ↓

**([https://vermontlaw.instructure.com/courses/1498/files/246185/download?download\\_frd=1](https://vermontlaw.instructure.com/courses/1498/files/246185/download?download_frd=1)) to obtain a copy for your records.**

**Teaching Professor:** Kathryn Pamenter

**Course Credits:** 3

### Required Textbook and Materials:

- Keith Werhan, *Principles of Administrative Law*, (Concise Hornbook Series) (3rd edition, ISBN: 978-1-64020-181-1) (Thomson West (2019)).

## Course Objectives

Upon successful completion of this course, you will be able to:

1. Describe the principal components of the Administrative Procedure Act (APA) and its relationship to the executive, judicial, and legislative branches of federal and state government.

2. Explain the rulemaking process under the APA from both legal and policy perspectives.
  3. Analyze how courts have interpreted the APA and applied standards of review to agency implementation of statutes, agency rules, and adjudications.
  4. Participate in agency rulemaking from an interest group's perspective, including the government's.
  5. Describe the ethical and policy constraints affecting agency employees.
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## Instruction and Evaluation Activities

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A variety of learning activities are designed to support the course objectives, facilitate different learning styles, and build a community of learners. Learning activities for the course include the following:

### **Methods of Instruction | Readings and Multimedia**

This course will use a variety of instructional materials. In addition to the assigned text, you will read journal articles, book excerpts, government documents, and materials that have been submitted to agencies, as well as content from websites. This course will also contain PowerPoint presentations and handouts.

### **Methods of Instruction | Interaction and Discussions**

This course is highly interactive. You will read, listen, review, and interact with the materials, each other, and me. Creating an interactive online community will stimulate class participation, which is an essential part of this course. You will interact with other students and me via regular discussion boards, cross-postings and comments on material, and one-on-one feedback with me. You are expected to stay engaged in the discussion board activities. The heart of this course is the replication of the various stages of the policy process. It is essential for you to be engaged because each section builds on what comes before and is thus essential to mastering the whole.

A good discussion post is:

- Substantial (relates to the course material)
- Concise (one screen may be the ideal message length)
- Provocative (encourages others to respond)
- Hermeneutical (expands concepts or connects ideas in new ways)
- Timely (occurs in a reasonable time frame, when the topic is under discussion, and meets deadlines)
- Logical (supports point of view with reasons and evidence)
- Grammatical (is well-written)

Only those assignment submissions that meet these criteria receive full credit.

### **Methods of Evaluation | Writing Assignments, Projects, and Assessments**

This course will require weekly submissions that might include analysis of presented material, preparing documents, discussion board participation, or creation of PowerPoint presentations and videos. Your

grade will be based on how you perform on the individual assignments.

All written work product should be excellent, high-quality academic work. Poorly written, unedited assignments will not be awarded a top grade. Be concise. Be direct and analytical. Be polished. Read and reread what you write before you submit it. You need to do that when dealing with an agency or court, so you might as well start right here.

**Word Limits:** Most of the assignments have word limits. The word limits include footnotes/endnotes. The word limits serve two purposes: (1) they force you to focus on the relevant aspects of the assignment and to write concisely; and (2) they create a level playing field for each student. Note that you do not need to use all of the allotted words (though a 200-word paper with a 1,000-word limit is likely missing some key information). Failure to adhere to the word limits will result in point deductions regardless of the merit of your work. Repeated failure to abide by the word limits will result in escalating deductions to the assignments.

**Citations:** Whether in footnote or endnote form, citations are important in each assignment submission as support for your position(s). If you are using any exact language from a source, put that language in quotation marks and include the source as a footnote or endnote. If you are paraphrasing a source, include the source as a footnote or endnote. While your citations need not be in "Bluebook" form, please ensure that you include enough information that the reader can locate them.

## Due Dates

Due dates/deadlines for all deliverables/assignments are provided in the **Modules**, which govern over the Syllabus and the Course Summary. Please also see the Important Note About Course Summary below.

## Course Schedule

- **Module 1: Overview of the Structure of Government and Administrative Agencies**
  - Module 1 Discussion 1: Introduce Yourself to the Class
  - Module 1 Discussion 2: The Pervasive Role of Administrative Law
  - Module 1 Written Assignment: FOIA Request
- **Module 2: Why Government? - Forms of Government Action**
  - Module 2 Discussion 1: Analyzing Preemption
  - Module 2 Discussion 2: Select Regulatory Topic - Group
  - Module 2 Written Assignment: Statutory Analysis Memo
- **Module 3: Administrative Procedure**
  - Module 3 Written Assignment 1: *Bi-Metallic* and *Londoner* Essay
  - Module 3 Written Assignment 2: Draw Me Some Maps: Rulemaking and Adjudication
- **Module 4: The Decisional Process**
  - Module 4 Discussion: Commenting on Informal Agency Actions
  - Module 4 Written Assignment: Commenting on Informal Agency Actions - Practice, Practice, Practice!

- **Module 5: The Players, Cont'd, and Public Participation**
  - Module 5 Public Participation Assignment: Public Participation Process Group Memo
  - Module 5 Written Assignment: OIRA Memorandum
- **Module 6: Ethics**
  - Module 6 Public Participation Assignment: Public Participation Presentation
  - Module 6 Public Participation Assignment: Public Participation Video
  - Module 6 Written Assignment: Politics Goes Better with Food Essay
- **Module 7: Judicial Review**
  - Module 7 Final Paper: Judicial Review in Light of *Chevron* and *State Farm* Paper



## Grading Policy and Scale

Final Grades in this course are determined by the following criteria:

### Grading Policy

Assignment Category	Weight of Category
Written Assignments	50%
Discussions	20%
Public Participation Assignments	15%
Final Paper	15%
<b>Total</b>	<b>100%</b>

### Course Schedule

#### Reading and Assignments Overview

***Please refer to each Module for more specific information and instructions regarding readings and assignments.***

#### **Module 1: Overview of the Structure of Government and Administrative Agencies**

##### **Reading:**

- Werhan, *Principles of Administrative Law*, pp. 39-113 (3rd edition) (74 pages). An introduction to the principle of separation of powers, the checks and balances of the U.S. Constitution, and the corresponding role of administrative agencies.
- Popper et al., Selected Cases, *INS v. Chadha*, pp. 1–5 (5 pages).

##### **Review:**

- Article I, Section 7 of the U.S. Constitution, which defines the process of how a bill becomes a law.

##### **Watch:**

- "How a Bill Really Becomes Law: What Schoolhouse Rock Missed" (2 minutes). *Vox Media*

**Listen:**

- Professor Tuholske, *The Basic Structure of the APA*, (18 minutes)

**Deliverable(s): Discussion**

1. Take a moment to introduce yourself to the class, and meet your classmates. This is an ungraded assignment, but you are required to complete it.

**Deliverable(s): Discussion**

1. The Pervasive Role of Administrative Law **100 POINTS**
  - For this assignment, select a current (within the last six months) controversial action of a federal administrative agency—a final rule, decision, policy, or investigation. Please be sure to choose a Federal agency, as states often have different processes and statutory authority distinguishable from the federal focus of this course. You will make an initial post addressing the points detailed in the assignment instructions, respond to two other classmates' posts, and reply to the response posts of your classmates to your initial post.

**Deliverable(s): Written Assignment**

1. FOIA Letter Request **100 POINTS**
  - This assignment will give you practical insight into an important part of Administrative Law: the Freedom of Information Act (FOIA). You will research and put to practical use the mechanics of a FOIA request.

**Module 2: Why Government? - Forms of Government Action****Reading:**

- Justice Breyer's description of market failures
- Clean Air Act, 42 U.S.C. § 7416.
- Article VI, United States Constitution.
- Werhan, pp. 1–9 and 32–37 (3rd edition) (*15 pages*).
- *American Electric Power v. Connecticut*

**Watch / Read:**

- The Legislative Process and Statutory Construction: A Brief Overview

**Deliverable(s): Discussion**

1. Analyzing Preemption **100 POINTS**

- You will analyze whether a federal statute, namely the Clean Air Act, precludes the State of Missouri from enacting legislation as to concentrated animal feeding operations, also known as CAFOs, where large numbers of livestock are housed and fed. You will make an initial post, respond to one other classmate's post, and reply to the response posts of your classmates to your initial post.

**Deliverable(s): Discussion****1. Select Regulatory Topic (Group)**

- Your groups will be assigned and announced, but you will need to select your role within your groups. The first part of this assignment is to meet and define your different roles and perspectives on a general level. The second part of the assignment is for you as a group to select a current regulatory topic that you will address for the rest of the course. You should select a current Notice of Proposed Rulemaking or a draft rule (but not a final rule). You can find a lot of information on the EPA website or on the general regulations website. The Federal Register website publishes daily accounts of agency informal rulemaking. The Dept. of Health and Human Services, Food and Drug Administration, Dept. of the Interior, Fish and Wildlife Service, and U.S. Dept. of Agriculture, Forest Service often have interesting rules in the pipeline. You are not limited to environmental rules. The second part of the assignment is to prepare a brief explanation of the regulatory topic/issue, its current status, why it is important and interesting, and each group member's role. While this is an ungraded assignment, it is necessary for other assignments in this course.

**Deliverable(s): Written Assignment****1. Statutory Analysis Memo 100 POINTS**

- Once you have chosen a rulemaking with your group, you will prepare a memorandum to the boss of your organization regarding the chosen proposed rule/regulation that addresses the areas described in the assignment instructions. If you are writing from the agency perspective, be sure you are keeping the agency's mission in mind, with the safeguards Professor Tuholske discussed in his lecture regarding keeping agencies somewhat autonomous from the executive branch. This is not a law review article; be concise and use outside materials as necessary. Remember to provide citations for your sources.

**Module 3: Administrative Procedure****Reading:**

- Sections 551-557 of the APA.

**Listen:**

- Basic Structure of the Administrative Procedure Act (18 minutes).

**View:**

- "Legal Environment – Administrative Law – Agencies – Rulemaking" (2011).

**Reading:**

- *Londoner v. City and County of Denver* and *Bi-Metallic Inv. Co. v. State Board of Equalization* in Popper et al, Selected Cases (3 pages)
- Werhan, pp. 123-182 (3rd edition) (60 pages).
- Role of OIRA.
- The APA

**Watch:**

- *APA Adjudication* (26 minutes)

**Reading:**

- *Northern Plains Resource Council, Inc. v. Surface Transp. Bd.*
- The Surface Transportation Board
- 49 CFR Part 1114, Subpart B - Discovery
- 49 CFR 1114.1 - Admissibility

**Deliverable(s): Written Assignment****1. *Bi-Metallic* and *Londoner* Essay 100 POINTS**

- Consider Park Avenue in Manhattan. It runs the length of the city and is lined for miles with condos. Let's assume there are 5,000 of them for purposes of this assignment. Suppose further that the City of New York decides to pave the famous avenue under the same type of law that was used by the City of Denver in *Londoner* and have the property owners fronting Park Avenue pay for it.
- **Question:** Is every condo owner entitled to a hearing to determine the amount it has to pay for the paving, or are there just too many of them and the government should not be compelled to hold a hearing for each? Why or why not?

**Deliverable(s): Written Assignment****1. Draw Me Some Maps - Rulemaking and Adjudication 100 POINTS**

- Create two diagrams: one of a basic informal administrative rulemaking procedure, and one of a basic formal administrative adjudication. These diagrams should visually describe the process and the appropriate players. Provide citations to the relevant portions of the APA that you include in your map.
- Diagrams can be flow charts, maps, or any other tool that clearly illustrates the steps and sequence of each process. They can be beautifully produced on the computer, or simply drawn (neatly!) on a piece of notebook paper and scanned into a PDF. Clarity, not artistic vision, is

important. In addition, it is important that you cite to specific sections of the APA, including definitions, to support your maps. The maps should make clear that you understand the legal aspects of these processes from start to finish.

## Module 4: The Decisional Process

### Reading:

- Paul Light, Brookings Institute, article
- *Presidential Administration*, 114 Harv. L. Rev. 2245, please only read the introduction.
- *How to Convince an Agency: A Handbook for Policy Advocates*
- Werhan, § 6.3 (a)-(b), pp. 251-265 (3rd Edition) (14 pages).
- *Tips for Writing Effective Comments*
- Effective Written Comments in Informal Rulemaking (6 pages).

### Watch:

- *Tricks of the Trade*. How public comments by NGOs affect the litigation process. (26 minutes)

### Deliverable(s): Discussion

#### 1. Commenting on Informal Agency Actions **100 POINTS**

- **Part 1:** Prepare a memorandum based on the assignment fact pattern and instructions. To post your paper, you will create a discussion thread and upload your assignment within that thread for other students to be able to read.
- **Part 2:** Choose one other classmate's posted paper discussing the draft EIS, and respond specifically to numbers 3 and 4 of their memo.

### Deliverable(s): Written Assignment

#### 1. Commenting on Informal Agency Actions - Practice, Practice, Practice! **100 POINTS**

- The agency needs to know you are interested in the rulemaking. As such, you need to submit a comment letter to the agency regarding the proposed rulemaking that your group selected in Module 2. You will write based upon the role you selected in Module 2. This assignment will ensure you can succinctly state your organization's case to either support or change the proposed rulemaking, or defend your agency's initial draft.

## Module 5: The Players, Cont'd, and Public Participation



**Reading:**

- Werhan, pp. 81-121 (3rd edition) (*40 pages*).
- Nash and Walters, Public Engagement and Transparency in Regulation: A Field Guide to Regulatory Excellence (June 2015).

**Review:**

- Informal Rulemaking Regulatory Map
- *National Primary Drinking Water Regulations: Lead and Copper Rule Revisions*, 86 Fed. Reg. 4198 (Jan. 15, 2021)

**Visit:**

- Gain an understanding of OIRA and such requirements as the Unified Agenda.

**Deliverable(s): *Public Participation Assignment*****1. Public Participation Process Memo (Group) 100 POINTS**

- In this assignment, you will negotiate with your teammates from Module 2 on a public participation process for your rule. Your participation strategy starts with your preparation of an individual memorandum, based on your selected role in Module 2, on your preference for a public participation process that you think will favor your interest. Design it; defend it. The individual memorandum would be something you would send to other interested parties to suggest a public participation strategy—the what and the why. At the end of the discussion, the group must submit a final memorandum on the chosen public participation process where you reflect on the discussion and the chosen process.

**Deliverable(s): *Written Assignment*****1. OIRA Memo 100 POINTS**

- Draft a memorandum to your client, based on the Module 2 role you chose, about what you would address in a meeting at OIRA. Given just what you know (and can reasonably find out) about your rulemaking, what issues would you likely want to raise with OIRA, what information do you need to do a credible job advocating your position, and who would you consult with or hire before you set out to prepare your materials to develop that information and analysis? OIRA is particularly concerned with the costs and benefits of rules. So, some of your issues may focus on the costs of some of the provisions and the benefits. Chances are pretty good that while you can spot the issues you would want to raise, you are not able to answer the questions based on your own knowledge. Even if this were real and not a simulation, you would not be able to answer all of them. You therefore need to consider who you would retain to help you prepare your materials and why you would hire that individual or group for that particular expertise. Expert consultants are often used in roles like this. Include a brief introduction of OIRA's function

in the rulemaking process, and cite any relevant Executive Orders that you think should be considered.

## Module 6: Ethics

### Reading:

- Standards of Ethical Conduct, Summary For Executive Branch Employees
- The mission and responsibilities of the US Office of Government Ethics

### Watch:

- Ethics Training for a New Federal Senior Executive. (8:08 minutes)

### Reading:

- *Sierra Club* in Popper et al. (5 pages)

### Watch:

- The Ethics of the Revolving Door. (27:01 minutes)

### Deliverable(s): *Public Participation Assignment*

#### 1. Public Participation Presentation **100 POINTS**

- This and the next assignment are based on the role you chose in Module 2 in your group. Prepare a PowerPoint presentation of 8–10 slides that will serve as a briefing on your position on the proposed rule to a group of decision-makers at the agency.

### Deliverable(s): *Public Participation Assignment*

#### 1. Public Participation Video **100 POINTS**

- Create and submit a video no more than three minutes long that replicates what you would say in a public hearing. Be as realistic as possible in terms of your presentation. You are advocating on behalf of your client both to the agency and to the public at large. Please note that you will want to keep the file size less than 100 MB for upload, or use a video service such as YouTube Links to an external site, or Vimeo Links to an external site, and post your video link. Use the smallest file size settings that you can to minimize file size.

### Deliverable(s): *Written Assignment*

#### 1. Politics Goes Better with Food Essay **100 POINTS**

- Write an essay addressing the questions in the assignment post based upon the required readings on ethics.

## Module 7: Judicial Review

**Reading:**

- *Skidmore, Chevron, Mead, State Farm, and Lujan* in Popper et al, Selected Cases (20 pages).
- Werhan, pp. 318-331 (3rd edition) (13 pages).
- Werhan, pp. 303-312 (3rd edition) (9 pages) and pp. 360–415 (55 pages). This is an English version of judicial review: a hornbook explanation as to how it works and what the cases mean.

**Listen:**

- *Chevron* and the Basics of Judicial Review (10 minutes).
- How Chevron Applies (10:39 minutes).


**Reading:**

- Harter, *The Policy Process at Government Agencies*

**Visit:** The two links are a quick study, and provide a critical update on legislation to undo the *Chevron* Doctrine and its progeny.

**Deliverable(s):** *Final Paper.*1. Judicial Review in Light of *Chevron* and *State Farm* Paper **100 POINTS**

- For the final assignment, write a 7-10 page, (doubled-spaced) white paper for your office that outlines your take on bringing a judicial challenge against the agency for its action and how you predict the courts will act, as well as addresses all of the points detailed in the assignment instructions. If you are representing the agency, you should frame the paper based on an anticipated challenge and how you would steer the court for a favorable outcome.

Each student's academic standing is determined at the end of each semester and at the end of the academic year in accordance with the following grading system and in accordance with the Academic Standards in the [Student Handbook](https://www.vermontlaw.edu/student-handbook)  (<https://www.vermontlaw.edu/student-handbook>):

Grading Scale

Letter Grade	Grade Point Average (GPA)	Percentage
A	4.00	95-100%
A-	3.66	90-94%
B+	3.33	87-89%
B	3.00	84-86%
B-	2.66	80-83%
C+	2.33	77-79%
C	2.00	74-76%
C-	1.66	70-73%

Letter Grade	Grade Point Average (GPA)	Percentage
D+	1.33	67-69%
D	1.00	64-66%
F	0.00	<64%



## Course Expectations


### Student Expectations

You are expected to log on to the course at least five days each week, and to spend approximately 20 hours each week reviewing assigned material, studying and considering that material on your own, and participating in activities and assignments presented in each module. You are expected to post all assignments by the stated deadlines, and to exhibit significant effort and professionalism in all of your work. You are expected to participate in a timely and responsive manner in group projects, which may include multiple posts and exchanges prior to an assignment deadline.

### Faculty Expectations

I will be online and available to answer e-mails, posts to the **Ask Your Professor** page, and other asynchronous inquiries at least five days each week and will endeavor to answer questions within **24 hours**. If you want to speak with me over the phone, send me an e-mail to [kpamenter@vermontlaw.edu](mailto:kpamenter@vermontlaw.edu), and I will arrange a time to talk. I will provide feedback on assignments within **5 days** of the final deadline for each assignment. I will post timely announcements as appropriate to this course, including any changes to the schedule or assignments. I will periodically review, but not actively monitor, the Hallway Discussion forum. As such, please feel free to use this forum to speak with your classmates.

### Academic Support

The Academic Success Program (ASP) is empowering, individualized, and available to every VLGS student. ASP offers skill-building through workshops, one-on-one consultation, and mentoring by upper-level students. If you are looking for ways to shrink the learning curve, ASP can connect you with study aids and supplemental materials (i.e., CALI, TWEN, and Kaplan Kick Start) that fit your specific needs. Whether you are preparing for the Bar Examination or your first 1L exam, ASP exists to help you. **You can visit ASP virtually through the ASP Portal**  (<https://www.vermontlaw.edu/community/students/academic-success>) (VLGS Login Required) and clicking the link to the right of the **ASP Student Portal** heading.



## Academic Policies

## Participation

Each module/week, you will be required to submit a paper—or other assignment—and you'll regularly be required to engage in whole class discussions. Your participation and engagement in these forums will be assessed based on the quality and accuracy of your answers to the assigned questions as well as your interaction and engagement with your peers. Please remember to always be respectful of others and be professional. Failure to participate in the assigned discussion forums will significantly impact your grade as it reflects your level of effort in the course's learning community.

Of note, the readings and other materials presented in this course build upon each other so it is critical that you complete the initial assignments early in the module/week so that you may proceed to the next set of materials and assignments. Additionally, it is imperative that you post early so that the class may benefit from your discussion and that you have opportunities to reply to and engage in meaningful dialogue with your peers in the discussion forums as well.

Please keep all modules' topical, subject-related discussions in the assigned module discussion forums. Discussions posted in the **Hallway Discussions** and **Ask Your Professor** discussion forums will not count toward weekly participation and/or discussion assignments and posts.

## Attendance

You are expected to participate in all course activities except where religious observance, serious illness, personal emergency, or a reason that is adequate in my judgment prevents such participation. If you believe you may need an excuse from attendance, please notify me in advance or in the case of emergency, as soon as possible. **Attendance** means posting answers to discussion questions, participating in the online community, and submitting all assignments by the stated deadline.

## Late Work

You must complete all activities in this course by the identified deadlines. Failure to submit an assignment, complete a discussion, or participate as outlined in the Modules, will lead to a grade reduction. I recognize that you all have busy personal and professional lives that sometimes make meeting deadlines difficult. However, managing assignments and life is excellent practice for your future and should be done with care and skill. Early communication with me is vital. I want to emphasize that I expect you to turn in assignments on time. You will lose 10% of the total potential points for each day that an assignment is late. I will not accept an assignment more than **three** days after its due date.

This late policy does not apply if I have approved an extension for the requested activities because of an emergency or other extenuating circumstances. You must promptly request the extension and inform me of any extenuating personal circumstances that warrant an extension.



If you have an emergency or some other extenuating personal circumstance, you must inform me as soon as possible. Only upon this notification will I be able to discuss a possible accommodation.

**If there is a medical or family emergency or other extraordinary or extenuating circumstance, you should contact the Vice Dean for Students and me to make alternative arrangements. Again, prompt communication is key, and that is your responsibility.**


## Professor Comments

I will provide substantive comments on each of your assignment submissions. I may provide additional comments through Announcements. If you have questions or doubts about the course or assignment instructions, use the **Ask Your Professor** forum or email me to seek an answer.


## Add/Drop and Incomplete Policy

Please refer to the [Student Handbook](https://www.vermontlaw.edu/student-handbook)  (<https://www.vermontlaw.edu/student-handbook>) to review these policies. You can find the **Student Handbook** on the [Online Resources page](https://vermontlaw.sharepoint.com/sites/OnlineLearning/SitePages/OLP-Resources.aspx)  (<https://vermontlaw.sharepoint.com/sites/OnlineLearning/SitePages/OLP-Resources.aspx>).



## Academic Honesty

The Vermont Law and Graduate School Honor Code and the Code of Ethics apply to all activities, assignment submissions, and conduct in this course. You are required to be familiar with the Honor Code. Student conduct in this course may not violate the Prohibited Conduct classes of violations recognized in the Honor Code (located in the [Student Handbook](https://www.vermontlaw.edu/student-handbook)  (<https://www.vermontlaw.edu/student-handbook>)).


Plagiarism is a class one violation of the Vermont Law and Graduate School's Honor Code. The school uses various software programs to detect plagiarism in all forms. These tools will be used in this class. I will report any suspected cases of plagiarism to the Vice Dean for Students.

Read the Vermont Law and Graduate School Student Handbook section on plagiarism and the article, [What You Don't Know Can Hurt You: How to Recognize Plagiarism and Avoid Committing It](https://www.vermontlaw.edu/sites/default/files/2022-07/Plagiarism%20Presentation%20AFC%202022.pdf),  (<https://www.vermontlaw.edu/sites/default/files/2022-07/Plagiarism%20Presentation%20AFC%202022.pdf>) prior to submitting your first assignment.

## Netiquette

All communications in this course (email, discussion boards, and assignments) should use good netiquette. For an overview and explanation of this, visit the [Netiquette Home Page](http://www.albion.com/netiquette/)  (<http://www.albion.com/netiquette/>) and follow the [Core Rules of Netiquette](http://www.albion.com/netiquette/corerules.html)  (<http://www.albion.com/netiquette/corerules.html>).

## Accessibility

We encourage students with disabilities, visible or hidden, to seek appropriate accommodations. Discussions regarding accommodations are confidential. The VLGS student handbook authorizes me to make some accommodations, but others may require an additional authorization. Please visit the accommodations page within the [Academic Success Program](#) .

(<https://www.vermontlaw.edu/community/students/academic-success/accommodations>) to seek more information and contact the Vice Dean for Students. Accommodation resources are not retroactive, so please inform us as early as possible if you need accommodations. We will provide reasonable access in line with the [Disability Policy](https://www.vermontlaw.edu/sites/default/files/2018-10/2018-2019DISABILITYPOLICYANDPROCEDURES.pdf). [↗ \(https://www.vermontlaw.edu/sites/default/files/2018-10/2018-2019DISABILITYPOLICYANDPROCEDURES.pdf\)](https://www.vermontlaw.edu/sites/default/files/2018-10/2018-2019DISABILITYPOLICYANDPROCEDURES.pdf)

## Title IX

Vermont Law and Graduate School (VLGS) is committed to fostering a safe, productive learning environment. Title IX and VLGS policy prohibit discrimination based on sex. Sexual misconduct – including harassment, domestic and dating violence, sexual assault, and stalking – is also prohibited at VLGS.

VLGS encourages anyone experiencing sexual misconduct to talk to someone about what happened, so they can get the support they need, and VLGS can respond appropriately.

If a student wishes to speak confidentially about an incident of sexual misconduct, wants more information about filing a report, or has questions about school policies and procedures, please contact VLGS's [Title IX Coordinator](https://www.vermontlaw.edu/title-ix) [↗ \(https://www.vermontlaw.edu/title-ix\)](https://www.vermontlaw.edu/title-ix).

VLGS is legally obligated to investigate reports of sexual misconduct. Therefore, VLGS cannot guarantee the confidentiality of a report, but VLGS will consider a request for confidentiality and respect it to the extent possible.

Professors are also required to report incidents of sexual misconduct and thus cannot guarantee confidentiality. This policy includes any mention of sexual misconduct that a student might make in their written work. A professor must provide VLGS's Title IX coordinator with relevant details, such as the names of those involved in the incident.



## Other Policies

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All student handbook policies and procedures apply to this course. For more information about student academic and institutional policies, read the [Student Handbook](https://www.vermontlaw.edu/student-handbook) [↗ \(https://www.vermontlaw.edu/student-handbook\)](https://www.vermontlaw.edu/student-handbook).



## Important Note About Course Summary









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**The Course Summary below is automatically generated. (1)** The Course Summary below only lists the deadline for Initial Discussion posts (on Fridays). Response Discussion post(s) and Reply Discussion post(s), where required, are due on the Saturday and Sunday of the corresponding Module's week. **(2)** Though not listed below, there is an ungraded assignment due on Thursday in each of Modules 1 and 2, which must be completed. **(3)** Though not listed below, the Module 5 Public Participation Assignment -







Process Memo (Group) has two parts, with the first part due on Thursday of that week. As such, please review each assignment's instructions carefully to confirm that you meet each deadline. Due dates/deadlines for all deliverables/assignments are provided in the Modules, which govern over the Syllabus and the Course Summary.

**Last modified:** 1/2/24

## Course Summary:

Date	Details	Due
Fri Jan 19, 2024	 <b><u>Module 1 Discussion 2: The Pervasive Role of Administrative Law</u></b> <a href="https://vermontlaw.instructure.com/courses/1498/assignments/22573">https://vermontlaw.instructure.com/courses/1498/assignments/22573</a>	due by 11:59pm
Sun Jan 21, 2024	 <b><u>Module 1 Written Assignment: FOIA Request</u></b> <a href="https://vermontlaw.instructure.com/courses/1498/assignments/22578">https://vermontlaw.instructure.com/courses/1498/assignments/22578</a>	due by 11:59pm
Fri Jan 26, 2024	 <b><u>Module 2 Discussion 1: Analyzing Preemption</u></b> <a href="https://vermontlaw.instructure.com/courses/1498/assignments/22574">https://vermontlaw.instructure.com/courses/1498/assignments/22574</a>	due by 11:59pm
Sun Jan 28, 2024	 <b><u>Module 2 Written Assignment: Statutory Analysis Memo</u></b> <a href="https://vermontlaw.instructure.com/courses/1498/assignments/22579">https://vermontlaw.instructure.com/courses/1498/assignments/22579</a>	due by 11:59pm
Sun Feb 4, 2024	 <b><u>Module 3 Written Assignment 1: Bi-Metallic and Londoner Essay</u></b> <a href="https://vermontlaw.instructure.com/courses/1498/assignments/22580">https://vermontlaw.instructure.com/courses/1498/assignments/22580</a>	due by 11:59pm
	 <b><u>Module 3 Written Assignment 2: Draw Me Some Maps - Rulemaking and Adjudication</u></b> <a href="https://vermontlaw.instructure.com/courses/1498/assignments/22581">https://vermontlaw.instructure.com/courses/1498/assignments/22581</a>	due by 11:59pm
Fri Feb 9, 2024	 <b><u>Module 4 Discussion: Commenting on Informal Agency Actions</u></b> <a href="https://vermontlaw.instructure.com/courses/1498/assignments/22575">https://vermontlaw.instructure.com/courses/1498/assignments/22575</a>	due by 11:59pm
Sun Feb 11, 2024	 <b><u>Module 4 Written Assignment: Commenting on Informal Agency Actions - Practice, Practice,</u></b>	due by 11:59pm



Date	Details	Due
	<b><u>Practice!</u></b> ( <a href="https://vermontlaw.instructure.com/courses/1498/assignments/22582">https://vermontlaw.instructure.com/courses/1498/assignments/22582</a> )	
Sun Feb 18, 2024	 <b><u>Module 5 Public Participation Assignment - Process Memo (Group)</u></b> ( <a href="https://vermontlaw.instructure.com/courses/1498/assignments/22576">https://vermontlaw.instructure.com/courses/1498/assignments/22576</a> )	due by 11:59pm
	 <b><u>Module 5 Written Assignment: QIRA Memo</u></b> ( <a href="https://vermontlaw.instructure.com/courses/1498/assignments/22583">https://vermontlaw.instructure.com/courses/1498/assignments/22583</a> )	due by 11:59pm
	 <b><u>Module 6 Public Participation Assignment - Video</u></b> ( <a href="https://vermontlaw.instructure.com/courses/1498/assignments/22577">https://vermontlaw.instructure.com/courses/1498/assignments/22577</a> )	due by 11:59pm
Sun Feb 25, 2024	 <b><u>Module 6 Public Participation Assignment 1: Public Participation Presentation</u></b> ( <a href="https://vermontlaw.instructure.com/courses/1498/assignments/22584">https://vermontlaw.instructure.com/courses/1498/assignments/22584</a> )	due by 11:59pm
	 <b><u>Module 6 Written Assignment 2: Politics Goes Better with Food Essay</u></b> ( <a href="https://vermontlaw.instructure.com/courses/1498/assignments/22585">https://vermontlaw.instructure.com/courses/1498/assignments/22585</a> )	due by 11:59pm
Sun Mar 3, 2024	 <b><u>Module 7 Assignment-Final Paper: Judicial Review in Light of Chevron and State Farm Paper</u></b> ( <a href="https://vermontlaw.instructure.com/courses/1498/assignments/22586">https://vermontlaw.instructure.com/courses/1498/assignments/22586</a> )	due by 11:59pm