

**BHP Seminar Draft Syllabus**  
**Course Title: BHP 301- The Law & Racial Progress**

**Professors:**

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**Course Description:**

This course is designed to enhance knowledge of the ways in which racial progress intersects with the law. Different areas of the law are emphasized, as well as the criminal justice system, with an emphasis on understanding the role and behavior of different stakeholders and participants in these areas. Ethical issues are discussed throughout the semester in order to sensitize the students to the ethical considerations integral to bringing legal disputes to closure. The course will focus on three primary fields to illustrate the complicated relationship between the law and racial progress: 1) The Workplace 2) The Police and 3) Higher Education.

**Course Objectives:**

1. Demonstrate an understanding of the intersection of racial issues and the application of the law.
2. Understand historical and contemporary explanations of the role of race, ethnicity, and systematic racism in the application of legal principles.
3. Identify and understand the various stakeholders of, and the roles that they play in, the application of the legal system in various settings.
4. Effectively discuss and analyze under what circumstances laws produce social control, oppression, opportunity, equality or inequality.
5. Critically appraise the relationship between laws and policies and categories of identity such as race.
6. Critically assess the current state of the legal system, namely the representation of systematically oppressed populations within the profession, and opportunities for increasing access and diversity.
7. Work collaboratively in a team environment to improve presentation and persuasion skills.

## **Course Readings:**

There is no required textbook for this course. The law and racial progress is an active topic of inquiry in academia and public discourse. We will utilize multiple types of sources in the course, such as peer reviewed literature, podcasts, and news stories. Readings will either be publicly available on the internet or uploaded to Canvas.

## **Assignments & Grading Scale:**

Your grade in this course will be based on the following assignments:

<b>Assignment</b>	<b>Grade Percentage</b>
<b>Video/Audio Reflections (5)</b>	20%
<b>Ethical Case Studies(2)</b>	20%
<b>Police Funding Project (60%)</b>	
1. Professional Profile	10%
2. Mock Testimony/ Debrief	20%
3. Budget Simulation*	10%
4. Final Adopted PD Budget & Program Objectives Report	20%

\* Graded for completion.

Details about each assignment will be posted to Canvas. Deadlines are important because they mirror the kinds of professional obligations you will be expected to adhere to in the working world. However, circumstances beyond your control may at times influence your ability to get work in on time. Please communicate with us in advance of any due date that you anticipate missing and we will attempt to work out an arrangement.

## Course Assignment Details:

### 1. Video/Audio Reflections:

- a. Approximately twice per month, students will be asked to provide either a video or audio critical reflection to readings that ask them to address contextual/extralegal factors that may influence the interpretation and execution of various laws. These 5 minute reflections will be facilitated by short prompts.

### 2. Ethical Case Studies:

- a. Twice throughout the semester, students will be provided a case study in which they will be assigned the role as a decision maker in a nuanced ethical and legal situation. Students will be responsible for writing a 2-3 page essay responding to specific question prompts in which they describe 1) their planned course of action, 2) reasoning for that stated action, and 3) potential implications of their decision. The prompts will be as follows:
  - i. Case Study 1: An employee was terminated from a major corporation for making racially derogatory statements to a coworker, and threatening the co-worker. Unbelievably, the terminated employee sues the corporation for wrongful termination and claims he was discriminated against. The corporation has a voicemail the former employee left to his co-worker which includes both the threat and a racial remark. Due to the cost of litigation, time that would be spent defending the lawsuit (including lost time for the employees who would have to be deposed and testify at trial), and the uncomfortable position the threatened employee would be in, the corporation's cost-benefit analysis suggests that the case should be settled. That is, even though the corporation is likely to win on the merits, it is cheaper to pay to make the litigation go away than to defend the lawsuit. What should the corporation do?
  - ii. Case Study 2: An African-American man was walking home with his wife when a police car pulled to the side of the curb. Officers exited the vehicle and ordered the man to stop, which he did. The officers asked what the man was doing in the area, and he said he was walking home from a party. The police had fielded a call from dispatch to look for an African-American male who allegedly assaulted someone at a nearby party. Because this individual "fit the description" they stopped him for questioning. An argument ensued and the man was thrown against the sidewalk and injured. It turns out he was not the person they were looking for. The man sues, and the city attorney opens settlement negotiations with a maximum settlement authority that he cannot exceed. The city doesn't want the case to hit the news, but is also conscious of saving money where

it can on settlements. (Note: both officers were suspended for their conduct but are back on the job; the commissioner doesn't want them fired because he knows the union will win at arbitration). The injured man wants as much money as possible and the officers to be terminated. He is willing to go to court if his demands aren't met. How should the attorney approach these negotiations? And if you're the union, how do you reconcile defending these officers with what they did?

3. Police Funding/Defunding Course Project:

a. Over the course of the semester, students will work in assigned roles as various stakeholder groups to simulate the municipal processes in which local police budgets are debated and resolved, with particular attention paid to implications for racial progress. The course project will include the following

i. Legal Profession Profile:

1. Based on assigned roles as key stakeholders in the municipal budget making process (e.g, police commissioner, city attorney, agency head(s), police citizen review board member) students will research the primary responsibilities, pragmatic and ethical challenges, and opportunities for racial progress that each stakeholder group faces regarding debates on police reform and abolition. Students will be required to integrate course content and readings to critically reflect and the opportunities and challenges in their assigned roles.

ii. Mock testimony & Debrief:

1. Based on knowledge gained from completing the Legal Profession Profile students will prepare and deliver mock testimony for a city council hearing on police funding. Following the live exercise, students will each submit a brief written reflection about the experience, integrating perspectives on their assigned positionality in the debate in the context of course readings and concepts.

b. Budget simulation:

i. This assignment is designed to simulate the process of proposing a municipal budget. Students will serve as various stakeholders in the process: the city attorney, police commissioner, agency head(s), and public advocacy group member(s). It will require research about the various considerations each stakeholder must balance while proposing balanced budgets that meet a certain amount while forcing concessions by some, if not all, of the stakeholders. The key is to effectively advocate your position while balancing the budget.

c. Final Budget and Program Objectives Report:

- i. Following the budget simulation, students will generate their written report summarizing the results of the budget simulation, the embedded values and objectives of the final PD budget, with particular emphasis on offering critical commentary on the law’s role in advancing racial progress.

**Grading Scale:**

We will use the following grading scale in this class on grading assignments and for providing you with a grade. In lieu of offering extra credit, we will round up to the next highest letter grade if your cumulative course grade is less than 1 point from that letter (e.g. 92.3 would become a 93).

If your average is in this range:	Your course grade will be:
<b>93-100</b>	<b>A (Excellent)</b>
<b>90-92</b>	<b>A-</b>
<b>87-89</b>	<b>B+ (Very Good)</b>
<b>83-86</b>	<b>B+</b>
<b>80-82</b>	<b>B</b>
<b>77-79</b>	<b>B-</b>
<b>73-76</b>	<b>C+ (Satisfactory)</b>
<b>70-72</b>	<b>C</b>
<b>60-69</b>	<b>C-</b>
<b>0-59</b>	<b>D</b>
	<b>F (Failing)</b>

**Course Policies:**

*Shared Expectations Around Course Content:*

Part of our jobs as commentators on law in society is to converse about difficult topics. Topics pertaining to racial inequality, oppression, and equity are at times controversial and/or deeply personal. Please keep in mind that when we read and discuss course content, we will not just be talking about other people, but also perhaps ourselves, our classmates, and members of our close and extended communities. This reality is important for two reasons. First, it means

that it is imperative for us to establish and uphold standards of mutual respect in our class discussions. As part of that goal, we will co-create a class contract that will guide our interactions with one another throughout the semester.

Second, we will discuss content that at times some students may find emotionally difficult or disturbing. That means students need to be proactive about identifying and articulating their own needs as they relate to course content. Please look through the assigned topics and readings in the schedule below. If you have any questions or concerns about any of the material, or if you suspect that some of the material will likely be difficult for you, please contact me before that class session so that we can make appropriate arrangements. We also are always happy to discuss any of the course material with you after class or in my office hours if that would be helpful.

Finally, mutual respect and a commitment to inclusiveness are crucial to a positive learning environment. In this course we will honor the diversity of all members of the Rider community by fostering a learning environment that is respectful of other classmates based on their identities and past experiences, including race, ethnicity, national origin, gender, sexuality, age, religion, culture, veteran status, and disability. We encourage any student who has concerns about the climate of this classroom or the behavior of others in the class to discuss matters with us.

#### *Academic Success Center (ASC):*

The Academic Success Center (ASC) is dedicated to providing a comprehensive array of academic support services that will assist you to become more independent and efficient learners. I believe that tutors can be an invaluable resource, as they provide a set of trained eyes outside the classroom who can give you an informed perspective on your work. If you are unable to visit the Academic Success Center physically, ASC can offer live, online tutoring for most students. Tutoring can be scheduled after hours and on weekends by contacting their office at 609-896-5008, [academicsuccesscenter@rider.edu](mailto:academicsuccesscenter@rider.edu) or use TutorTrac.

#### *Counseling Services:*

You may sometimes experience problems with your mental health that interfere with academic experiences and negatively impact daily life. This pandemic has only exacerbated mental health challenges for many folks. If you or someone you know experiences mental health challenges at Rider, please contact Counseling Services in the Zoerner House (the white house near Public Safety) or at 609-896-5157. Their services are free and confidential, and if necessary, they can provide same day appointments. Please contact Rider University's Public Safety Department (609-896-7777) for mental health emergencies at all hours. Remember that getting

help is a smart and courageous thing to do – for yourself, for those you care about, and for those who care about you.

*Dean of Student Notice for Absences:*

While I do not take attendance in my courses, Rider as an institution has an important policy about class absences. Please review this information carefully and let me know if you have any questions.

*Student Accessibility Services & Accommodations:*

Rider University abides by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as amended, which stipulate that no student shall be denied the benefits of an education solely by reason of a handicap or disability. Disabilities covered by law include, but are not limited to, learning disabilities, psychological disabilities, health impairments, hearing, and sight or mobility impairments. If you have an accessibility issue and believe you will need academic accommodations in this course, please make an appointment for an Intake Interview with Services for Student Accessibility and Support Services (SASS) in the Vona Academic Annex, Room 8. The phone number is (609) 895-5492 and the email is [accessibility@rider.edu](mailto:accessibility@rider.edu). They will ask for documentation of your disability to support your accommodation requests and to recommend services as appropriate to your individual situation. General information about how to access services and accommodations can be found [here](#).

*Academic Integrity:*

Per the Code of Academic Integrity, “Academic dishonesty includes any unauthorized collaboration, misrepresentation or fabrication in the submission of academic work. In all written work, whether in class or out of class, the student’s name on the work is considered to be a statement that the work is his or hers alone, except as otherwise indicated. Students are expected to provide proper citations for the statements and ideas of others whether submitted word for word or paraphrased. Failure to provide proper citations will be considered plagiarism and offenders will be subject to the charge of plagiarism specified in the statement of regulations.” These regulations are designed to ensure that the work submitted by the student on examinations is an honest representation of that student’s effort and that it does not involve unauthorized collaboration, unauthorized use of notes during the exam, or unauthorized access to prior information about the examination. I understand that learning proper citation practices is a skill, and we will work together to identify and apply best practices in the field. As a general rule, if you ever have questions about your citations, please ask me prior to submitting work that may violate the above policy.

**Tentative Course Schedule:**

Course readings/media are due prior to class on the date identified below. We reserve the right to alter this schedule (including required readings & assignment due dates).

Week & Date	Topic(s)	Readings	Assignments Due
<b>SECTION I: Course Introduction &amp; Key Concepts</b>			
Week 1:	1. Course Overview  2. The Big Questions	Thomas (2002). “Racial Justice: Moral or Political?” <i>Black Law Journal</i> .  Hair (2001): <i>Lawyers, Communities &amp; The Struggle for Justice</i> , pgs. 1-12.	
Week 2:	1. The Role of Lawyers	ABA (2020): “Model Rules of Professional Conduct.” <a href="https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents/">https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents/</a>  West (1998): “The Zealous Advocate of Justice in a Less than Ideal Legal World”  Mizrahi (2009): Chapter 9, “The Role of the Defense Counsel,” pgs. 621-629 in the	*Video Reaction #1 Due

		<i>Undergraduate Criminal Law Case Book.</i>	
Week 3:	1. The Law	The Constitution  Hayden (2020): <i>Society &amp; Law</i> , Ch. 2, pgs. 25-51.  Kerr, O (2007): “How to Read a Legal Opinion.” <i>Green Bag</i> .	
Week 4:	1. Defining Racial Justice & Progress	Perry, S.P. & Wages, J. (2020). “Zero-sum beliefs of racial progress.” <i>Nature Human Behavior</i> .  The Atlantic (2020): “Americans are determined to believe in Black Progress whether it’s happening or not.”	*Video Reaction # 2 Due
<b>SECTION II: Race &amp; The Workplace</b>			
Week 5:	1. Dispute Resolution & the Workplace	Dynamic Business Law (2017) Kubasek, Browne, Herron, Dhooge, Barkacs Pgs. 77-85  EEOC web resources review: <a href="https://www.eeoc.gov/laws-guidance-0">https://www.eeoc.gov/laws-guidance-0</a> .  <i>Forbes</i> Article on Microaggressions in the workplace:	*Case Study # 1 Due

		<a href="https://www.forbes.com/sites/pragyaagarwaleurope/2019/03/29/how-microaggressions-can-affect-wellbeing-in-the-workplace/#12c981873cb5">https://www.forbes.com/sites/pragyaagarwaleurope/2019/03/29/how-microaggressions-can-affect-wellbeing-in-the-workplace/#12c981873cb5</a>	
Week 6:	1. Labor and Employment Law	Dynamic Business Law (2017) Kubasek, Browne, Herron, Dhooge, Barkacs Chs. 42-43, pgs. 945-997	*Video Reaction #3 Due
Week 7:	1. Labor and Employment Law	“Case of the Blueberries” “Globalization Exercise”	*In-class “not so hypothetical, hypothetical” exercises.
<b>SECTION III: Race &amp; Policing</b>			
Week 8:	1. Police Arbitration	Rushin, (2017). Police disciplinary appeals. <i>University of Pennsylvania Law Review</i> .  The Atlantic (2014): “ <a href="#">How Police Unions Keep Police on the Street.</a> ”	*Video Reaction # 4 Due
Week 9:	1. Current Events in Law Enforcement Dispute Resolution	MA Supreme Court (2017): “ <a href="#">City of Boston vs. Boston Police Patrolmen’s Union.</a> ”  MPR News (2020): “ <a href="#">Half of Fired MN Cops Get Jobs Back.</a> ”  The Morning Call. (2020). “ <a href="#">Firing Bad Cops is Harder in Pennsylvania Because of a Law that Ties the Courts’ Hands.</a> ”	

		NPR (2020): <a href="#">“Police Commission Chair on Oakland Police Chief Vacancy.”</a>	
Week 10:	1. Racial Bias in Policing: Sources & Impacts	Hall, Hall, Perry (2016). “Black and Blue: Exploring Racial Bias and Law Enforcement in the Killings of Unarmed Black Male Civilians.” <i>American Psychologist</i> .  Edwards, Lee, & Esposito (2019). Risk of being killed by police use of force in the United States by age, race–ethnicity, and sex. <i>Proceedings of the National Academy of Sciences</i> .	*Video Reaction # 5 Due
<b>SECTION IV: Race &amp; Higher Education</b>			
Week 11:	1. US Constitution & Free Speech	Kubasek, Browne, Herron, Dhooge, Barkacs (2020). <i>Dynamic Business Law</i> , Pgs. 97-122	*Professional Profile Due
Week 12	1. Free Speech & Diversity	Whittington (2019). Free Speech and the Diverse University. <i>Fordham Law Review</i> .  Dutt-Ballerstadt (2018). When Free Speech Disrupts Diversity Initiatives: What We Value and What We Do Not.” <i>AAUP Journal of Intellectual Freedom</i>	*Case Study # 2 Due

Week 13:	1. Free Speech & Racial Progress	Moore & Bell (2017). “The Right to Be Racist on College Campuses.” <i>Law &amp; Policy</i> .	*Mock Testimony
Week 14:	1. Project Workshopping	None. Work on budget simulation prep & final reports.	*Budget Simulation
Week 15:	Finals Week		*Final Reports Due

**References**

Dutt-Ballerstadt, R. (2018). When free speech disrupts diverse speech disrupts diversity initiatives: What we value and what we do not. *AAUP Journal of Intellectual Freedom*, 9, 1-19.

Edwards, F., Lee, H., & Esposito, M. (2019). Risk of being killed by police use of force in the United States by age, race–ethnicity, and sex. *Proceedings of the National Academy of Sciences*, 116(34), 16793-16798.

Hair, P.D (2001).. *Louder than Words: Lawyers, Communities and the Struggle for Justice: A Report to the Rockefeller Foundation*. New York: The Rockefeller Foundation.

Hall, A. V., Hall, E. V., & Perry, J. L. (2016). Black and blue: Exploring racial bias and law enforcement in the killings of unarmed black male civilians. *American Psychologist*, 71(3), 175.

Hayden, K. (2020). *Society and law*. Lanham, MD: Roman and Littlefield Publication Group.

Kerr, O.S. (2007). How to read a legal opinion. *Green Bag*.

Kubasek, N., Browne, M. N., Herron, D., Dhooge, L., & Barkacs, L. (2020). *Dynamic business law*. New York: McGraw-Hill.

Moore, W. L., & Bell, J. M. (2017). The right to be racist in college: Racist speech, white institutional space, and the First Amendment. *Law & Policy*, 39(2), 99-120.

Perry, S. P., & Wages, J. E. (2020). Zero-sum beliefs of racial progress. *Nature Human Behaviour*, 4(2), 130-131.

Thomas, K. (2002). Racial justice: moral or political. *National Black Law Journal*, 17, 22.

West, R. (1998). The Zealous Advocacy of Justice in a Less Than Ideal Legal World. *Stanford Law Review*, 51, 973.

Whittington, Keith E. (2019). "Free Speech and the Diverse University." *Fordham La Review*, 87 2453-2477.