

**Constitutional Law II**  
**Class Policies and Syllabus**  
Law 655, Sections 311 & 412  
Spring 2020

**Professor Amy Sloan**

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410.837.6529

**Office Hours:**

Tuesday, 4:00-5:00 p.m. and by appointment.

**Course Meeting Times:**

Section 311: Thursday 1:30-3:20 p.m.

Section 412: Tuesday 5:45-7:35 p.m.

Please check MyUB for the classroom assignments.

**Required Materials:**

Weaver, Hancock, & Knechtle, *The First Amendment: Cases, Problems, and Materials* (Carolina Academic Press 5th ed. 2017), ISBN 9781531001261.

**Please note:** The Weaver text is coming out in a new edition in 2020. If you buy a new 5<sup>th</sup> edition, its resale value at the end of the semester will be almost nothing. I recommend that you buy a used book or rent the text instead of buying a new book.

Make No Law podcast, <https://legaltalknetwork.com/podcasts/make-no-law/>

**Course Description:**

This course provides an examination of First Amendment doctrine and theory, including freedom of speech, freedom of the press, the rights of assembly and to petition the government, the free exercise of religion, and the limitation on establishment of religion.

**Learning Outcomes:**

Students who successfully complete the course will be competent in:

1. articulating First Amendment doctrine and policy relating to freedom of speech and religion;
2. applying First Amendment law to new factual scenarios.

### **Course Expectations:**

American Bar Association Accreditation Standards establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work for each credit earned in this class.

**Attendance**—In accordance with the law school’s attendance policy, students who have more than **two** absences will not be eligible to complete the course and will receive a grade of FA (failure due to excessive absences). The law school’s attendance policy does not differentiate between excused and unexcused absences. If late arrival or early departure causes you to miss a substantial portion of a class or if you are unprepared for class (as explained more fully below), you will be counted absent.

**Computers**—You are permitted to use laptops or notebooks for note-taking and for the exam. Please respect the classroom environment and learning process by refraining from checking e-mail, surfing the web, or otherwise engaging in activities unrelated to class. Please also be aware that there may be times during the semester when, to enhance your learning, I will not permit you to use your laptop. If you need a laptop as an accommodation for a disability, however, you will always be able to use it.

**Professionalism**—You are expected to come to class on time and stay for the entire class unless you provide advance notice of your need to arrive late or leave early. **You should rarely, if ever, need to leave class in the middle of the lesson to get a drink, use the bathroom, etc. We will take a break roughly half way through the class for those purposes.** You are also expected to come to class prepared to participate in the discussion or activities taking place during class time. If you are unprepared, please give me a note or send me an email to that effect before class. *If I call on you and you are not prepared and have not given me a note, you will be counted absent for that class period.* Please be aware that being unprepared for class may negatively affect your final grade (as explained more fully below). More information on class participation will be provided during the first class. In addition, please silence your phone and disable all alerts for text messages, emails, Facebook posts, etc. before class begins.

**TWEN**—I will create a TWEN page for our class. I will communicate with the class through the TWEN page, and you are expected to check the site regularly for announcements and course materials.

### **Methods of Evaluation:**

Your grade in this class will be based on the final examination. I reserve the right to raise or lower a student’s grade by one half step (e.g., raise the grade from B to B+ or lower the grade from B to B-) based on class participation and preparedness.

### **Class Cancellation:**

If I must cancel a class, a notice will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of

Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

**Academic Integrity:**

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or the School of Law. Violations of academic integrity include, but are not limited to: cheating; plagiarism; misuse of library materials; use of another's book or study materials without consent; unapproved multiple submissions; material misrepresentation of one's academic history or standing; misrepresentation of any academic matter; intentionally giving another student false or inaccurate information about class requirements; inappropriate discussion of exams; and misrepresenting or falsifying class attendance reports. You can find the School of Law Honor Code here: [https://law.ubalt.edu/academics/policiesandprocedures/honor\\_code/index.cfm](https://law.ubalt.edu/academics/policiesandprocedures/honor_code/index.cfm)

**Title IX Sexual Harassment and Sexual Misconduct Policy:**

The University of Baltimore's Sexual Harassment and Sexual Misconduct policies are compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the University any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

**Disability Policy:**

If you are a student with a documented disability who requires an accommodation for academic programs, exams, or access to the University's facilities, please contact the Office of Academic Affairs at [ublawaacadaff@ubalt.edu](mailto:ublawaacadaff@ubalt.edu) or (410) 837-4468.

**Course Evaluations:**

It is a requirement of this course that students complete a course evaluation. The evaluation will be available later in the semester and is entirely anonymous. Faculty members will not have access to the feedback provided on course evaluations until after all grades are submitted.

**Syllabus:**

The outline on the next page sets out the anticipated assignments for the first three weeks of the semester. Reading for subsequent weeks will be posted on TWEN. Assignments may be adjusted from time to time depending on our progress through the material. Assigned reading that is not in the text will either be distributed in class or posted on TWEN.

Date	Topic	Assignment
Week 1 Jan. 14/16	Course Introduction History & Philosophy of Free Expression Content-Based Restrictions: Dangerous Ideas & Information	Weaver pp. 3-35 <a href="https://herb.ashp.cuny.edu/items/show/1906">https://herb.ashp.cuny.edu/items/show/1906</a> Make No Law episode 7, <a href="https://legaltalknetwork.com/podcasts/make-no-law/2018/06/fire-in-a-crowded-theater/">https://legaltalknetwork.com/podcasts/make-no-law/2018/06/fire-in-a-crowded-theater/</a>
Week 2 Jan. 21/23	Content-Based Restrictions: Dangerous Ideas & Information	Weaver pp. 35-51; 54-57; 67-68 Make No Law episode 8, <a href="https://legaltalknetwork.com/podcasts/make-no-law/2018/07/fighting-faiths/">https://legaltalknetwork.com/podcasts/make-no-law/2018/07/fighting-faiths/</a>
Week 3 Jan. 28/30	Content-Based Restrictions: Hostile Audience Reaction	Weaver pp. 69-74; 78-95 Make No Law episode 1, <a href="https://legaltalknetwork.com/podcasts/make-no-law/2018/01/fighting-words/">https://legaltalknetwork.com/podcasts/make-no-law/2018/01/fighting-words/</a>