# THE SYLLABUS AS EULA

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### ARTICLE: THE SYLLABUS AS EULA

*"Behind every uncomfortable syllabus clause lies an even more uncomfortable teaching experience"* *(@AcademicsSay).*

*"Fool me once, shame on you. Fool me twice, it's going in the syllabus"* *(@AcademicsSay).*

These @AcademicsSay tweets point to an uncomfortable truth: syllabi are the EULAs -- the End User Licence Agreements -- of our classrooms.

EULAs are non-negotiable contracts governing relationships between consumers and companies. Though ubiquitous, we encounter them most often with software, where they outline policies for the software's use. Inside the classroom, the syllabus performs a similar function, articulating policies for course governance, while effectively acting as a non-negotiable contract. EULAs and syllabi also share linguistic and procedural rhetorics: they are often laden with "uncomfortable" syntax that enacts exclusionary legalistic or academic jargon, and they are typically presented only in the first moments of encounter -- when we install a software application, and during a term's first class -- after which, they effectively disappear into a menu, footer, or bag.

While laying out extensive policies could ensure equitability, EULAs and syllabi more often empower companies *against* customers, and instructors *against* students. In the extreme risk-aversion of the contemporary university, where instructors provide services to students-*qua*-consumers while their jobs become increasingly precarious, syllabi are especially likely to operate on this model. Like EULAs, they sustain reactionary power dynamics that protect instructors who will not "be fooled," from students exploiting loopholes. No one comes to class? Attendance policy. No one reads? Pop quizzes. Policies like these *may* change student behavior, but they *absolutely* empower the instructor to respond to student behavior *and* remain protected in the case of a complaint to the (upper) administration.

Although the syllabus-as-EULA reveals how the documents limit equitability, recent experiments in EULA design challenge this status by disrupting the documents' rhetorics and democratizing their contents. Comic contracts, like those produced by [Creative-Contracts for South African farm workers](#) and [R. Sikoryak's comic version of the iTunes Terms and Conditions](#) for instance, replace text-heavy jargon with visually communicative, plain language. Similarly, the Responsible End-User Licensing Lab (REUL)'s [Bite-Sized EULA Tool](#) breaks a EULA's contents into "bite-sized" pieces presented to the user in relevant moments of use, thereby disrupting typical procedural rhetorics. Meanwhile, the crowdsourced [Terms of Service Didn't Read Project](#) (TOSDR) aims to democratize the contents of EULAs by inviting contributors to read portions of EULAs, annotate them, and rate them for fairness.

These redesigned EULAs offer models for redesigning syllabi toward more equitable classroom environments, and some instructors are already embracing these practices. Like TOSDR, Shelley Eversley and Cathy Davidson's "Black Listed" syllabus democratizes the syllabus's contents by allowing students to decide what goes on the course schedule of readings and topics. Like comic-contracts, Leah Misemer's "Comics and Civic Engagement" syllabus, and Jill Grose-Fifer's "Brain and Behavior" Syllabus rework the text-heavy, jargon-laden documents into visually communicative, plain language ones. Finally, like the Bite-Sized EULA Tool, Jessica Roberson's "English Literature: 1700-1900" syllabus, and Anne Balsamo's "Technoculture" syllabus present the syllabus as booklets, thereby challenging the procedures by which students access the document.

While these examples may be notable, even inspirational, they are hardly *normal*. And that is what it is time we work towards -- normalizing equitable, democratic, inclusive syllabus design.

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