INTRODUCTORY ESSAY

Our Doctor of Education program prepares experienced professionals to engage in scholarly activity and to use innovative approaches of inquiry to effect change in their organizations and society. Students enter the program with no less than a master’s degree and, generally, with no fewer than five to eight years of professional experience. They identify a complex problem of practice that addresses educational equity and access in their application to the program. Throughout the program, they learn how to design and conduct an empirical research study to clarify or resolve that problem.

The doctoral program is primarily online, with two required summer residencies. It includes seven courses, four foundation courses, and three research courses. The foundation courses, which also include Introduction to Doctoral Studies, Transforming Human Systems, Changing Conceptions of Learning and Human Development, and Leadership: Theoretical Perspectives and Practical Frameworks, collectively provide an overview of scholarly thinking, research, and writing on learning, leadership, and change. Each research course focuses on specific elements of the research process, such as review and synthesis of extant literature, research methods, and data collection and analysis. Additionally, the concentrations, Higher Education Administration, Organizational Leadership Studies, and Curriculum, Teaching, Learning, and Leadership require five context-specific courses and one elective.

Legal Environment of Higher Education is a four quarter-hour course required of students enrolled in the Higher Education Administration concentration. This course is designed to expose students to the vast range of administrative problems at the college and university level that have legal implications. The learning generated from this course is intended to assist current and prospective faculty and administrators in recognizing the legal parameters around which decisions are made. The course is offered online through Blackboard, the learning management system used within the university.

Course textbooks were intentionally chosen in keeping with students’ prior exposure to the law. The main text, The law of higher education (Kaplin & Lee, 2014) explains the law in a way that is accessible to doctoral students. The trials of academe: The new era of campus litigation (Gadja, 2009) is a lay readers’ approach to the myriad legal challenges facing higher education administrators. Students read Gadja by the end of the first four weeks in the course and have an open discussion on the text and its intersection with their own practice.

Required readings, outside of the texts, are available in Blackboard and provide development of content expertise and discussion points for the assignments. The case analyses and problem-solving exercises were selected to provide student with experience in real legal challenges. Students are given an orientation to Lexis Nexis, an online database that contains court cases, law reviews, among other sources.
Students are required to post all their assignments in the Discussion Board forums. Templates are provided to specify and communicate performance criteria. Publicly posting assignments each week is intentional and is consistent with the notion of transparency in research and in practice. Transparency in research and practice is introduced in the foundation courses, reinforced in the research courses, and deliberately built into this course. The assignments are selected to provide students with an opportunity to research a problem of practice within a specific context. Students are required to write a research-informed approach to introducing systemic change within a specific context. Feedback is provided weekly on all assignments. Individual instructor feedback is emailed to each student. General instructor feedback, with clarification and elaboration of the material, is video recorded and posted in the Discussion Board forum in which the students’ original assignments were posted.

In addition to posting their assignments, students are required to review, at minimum, two of their colleagues’ assignments, and to respond to colleagues’ review of their own work. Peer-review templates, with explicit guidelines, are used to help students provide constructive feedback to each other. While the process of peer-review is intended to foster discussion and learning in an online environment (Ertmer et al., 2007)*, it also contributes to an evolving understanding of transparency. Peer-review is initially written in the message box of the Discussion Board forum. However, students after following guidelines, install Kaltura Capture, a video recording tool. They are required to use the tool for responding to their colleague’s posts or critique of their own assignment no fewer than two times in the course. This, too, is intended to enhance social presence in an online environment and is used by students, on average, 8-10 times each term.

**CASES AND PROBLEM-SOLVING EXERCISES**

In the case analyses, students develop written responses to legal issues on tenure and gender discrimination and academic freedom and faith-based universities. The problem-solving exercises relate to a collective bargaining unit co-existing with a faculty senate, an undergraduate curriculum aligned to CPA certification, and intellectual property. Students are guided through analysis by a series of questions and post their assignments in the Discussion Board forum in Blackboard. Students are required to critique two of their colleagues’ posts guided by a template related to alignment, support, and logical sequencing. An example of a peer-review template is provided following the main elements of the syllabus. Students are also required to respond to any peer critique of their own assignment.

**COURT OPINIONS**

Students prepare case briefs on five court opinions that focus on various aspects of the law. Seminal, as well as current cases on academic freedom, and discrimination based on race, gender, disability, and sexuality provide students exposure to a cross-section of court decisions, but particularly those cases affecting marginalized populations. In keeping with the program philosophy of educational equity and access, the selection is deliberate and used to raise awareness of issues of access and equity in higher education. While students prepare five case briefs in the term, their assignment also entails reviewing and commenting on their colleagues’ case briefs. In reviewing and commenting on the case briefs, there

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is a focus on developing an understanding of legal reasoning that is much akin to the type of reasoning used in our students’ doctoral research study, i.e., as judges use precedent when they make a decision in a case, so do our students use research studies that have come before them to lay the groundwork for their original research study.

MAJOR PROJECT

The students have a choice on the major project for the course. The first option, the field research project, is intended to develop skills in identifying and clarifying potential legal issues in their own college environment. The majority of students in the course have elected to conduct the field study. The second option, an annotated bibliography, is intended for students who want to explore and nuance their understanding of their problem of practice and thereby advance their dissertation work. In the second option, students cite and analyze 10 court opinions, 10 law review articles, and 10 peer-reviewed journal articles that relate to their doctoral research study.

Hyperlinks and footnoting in the actual syllabus are used to direct students to websites and resources to understand both the selection of teaching methods and assessment strategies. Additionally, the Blackboard course shell houses instructor-developed recordings that explain and clarify concepts, direct students to readings, and provide links for accessing resources associated with course materials. Links include educational recordings related to the U.S. court system posted on YouTube, government sites, and regional accrediting bodies for colleges and universities, among other resources.

CONCLUDING REMARKS

The course is intended to enhance the students’ understanding of legal issues within higher education. The course also fosters development of skills associated with conducting a doctoral research study. Challenges associated with teaching this course include promoting an understanding of the legal concept of precedent, and developing an appreciation for the legal reasoning process. Both are interrelated, but from the students’ perspectives, require a mode of thinking that, at first, appears different than thought processes required in other educational courses. In fact, the concept and process are consistent with development of skills needed to conduct a robust literature review. The teaching challenge is making a clear alignment between legal skills development in this course and the work required in developing and conducting a doctoral research study. Overall, students most often comment on the course’s applicability to their own practice. A much repeated refrain is while the familiarity of the content allowed for them to approach each problem with a certain level of confidence, the arsenal of new legal tools, including Lexis Nexis, challenged them to approach each problem from a different angle. Excerpts from the full syllabus follow.

SYLLABUS: LEGAL ENVIRONMENT OF HIGHER EDUCATION

OVERVIEW

The course examines laws that impact the decision making of higher education leaders and emphasizes strategies for navigating the legal environment, managing potential legal threats, and effecting systemic change in colleges and universities. Institutions of higher education operate in a complex legal environment that includes laws related to faculty, students, staff, licensure, and privacy.
COURSE GOALS

This course is designed to expose the student to the vast range of administrative problems at the college and university level that have legal implications. The information and experiences generated from this course should assist current and prospective college and university faculty and administrators in recognizing the legal parameters around which decisions are made. No attempt will be made in this course to provide definitive legal answers to particular problems. Such tasks remain within the domain of law schools, institutional attorneys, state attorneys general, and, ultimately, the courts. The overall objective of the course is to examine legal issues involved in academic decision making so that one might be able to recognize a legal problem and seek the necessary assistance and guidance. Specifically, in this course, you will have the opportunity:

1. To examine legal concepts, processes, and their application to the administration of institutions of higher education.
2. To find, analyze, and synthesize research that appears in peer-reviewed journals and law reviews that contribute to an understanding of administrative practice as it relates to the legal environment in higher education.
3. To conduct research that contributes to an understanding of administrative practice in higher education and supports your own problem of practice.

TEXTS AND RELATED MATERIALS


Harvard Graduate School of Education Cases: Accessible through Harvard Education Publishing Group (http://hepg.org/):

Carlsberg University, HE-99-CARLS-A
The Women’s Center, HE-158-WOMEN-A

ALL NON-TEXT READINGS ARE PROVIDED IN BLACKBOARD


RELEVANT PUBLICATIONS

The Chronicle of Higher Education, Change: The Magazine of Higher Learning, Academe, Inside Higher Education, and the Community College Times, among others, are periodicals in the field of higher education. They are valuable sources but as they are not peer-reviewed journals or law reviews, they cannot be used as primary sources in the assignments in this course. Ulrichsweb, accessible through the library, is a tool for determining whether a source is peer-reviewed.

**METHODOLOGY**

A challenge for many programs in higher education administration is bridging the gap between theory and practice. Teaching with the case method is a well-established tool for this purpose. The case method is used to promote the development of assessment, analytical, and conceptual skills necessary for effective problem solving. As such, case studies (the Harvard Graduate School of Education cases), problem-solving exercises, and court opinions (i.e. legal cases) will be used extensively in this course to examine legal concepts and think through ways of effecting systemic change in institutions of higher education. The use of case studies and problem solving exercises in this course requires you to access and cite sources from peer-reviewed journals, law reviews, and court opinions to support your argument or recommendation.

**PARTICIPATION**

One of the major goals of graduate education is to instill in each student an understanding of, and a capacity for, scholarship, independent judgment, academic rigor, and intellectual honesty. Faculty and graduate students have a shared obligation to work together. I have carefully constructed this course. I have selected seminal court opinions and current court opinions for your analysis. Your work in this course is intended to foster your abilities to resolve or clarify issues and problems in the workplace. It is also intended to support the analytical skills necessary as you think through and prepare your doctoral research proposal. Your responsibility includes seeking out peer-reviewed studies in academic journals or laws reviews related to the issue at hand and citing those sources in your responses. Studies published within the past three to five years are preferred. Peer-review of your work is intended to foster collaboration and learning in the online environment and is therefore required each week and in each Discussion Board forum. There are three requirements for each Discussion Board forum: (1) post your work; (2) comment on, at minimum, two of your colleagues’ work; and (3) respond to your colleagues’ comments of your own work. I encourage the use of video in peer-review of your colleagues’ work to enhance social presence which has been associated with increased learning (Richardson & Swan, 2003). Blackboard has built-in features that easily allow creation and use of recordings.

**ASSIGNMENTS AND EVALUATION**

40% **CASE BRIEFS AND PROBLEM-SOLVING EXERCISES**

I recognize that learning is a process, not a product. However, because this process takes place in your mind, I can only infer that learning has occurred by reviewing your written work (Ambrose, Bridges, DiPetro, Lovett, & Norman, 2010). As such, you will demonstrate your learning and earn 40% of your

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grade in this course by writing case briefs on five assigned court opinions (5 points each, 25 points total) and by writing responses to three specific problem-solving exercises that are provided in Blackboard (5 points each, 15 points total).

Templates for case briefing reports are included in Blackboard. Cases can be found online through LexisNexis Academic accessible, with your student credentials, through the library. The problem-solving exercises are included in Blackboard. Each problem-solving exercise requires citing no fewer than five articles from current peer-reviewed journals or current law reviews. Current is defined as the period from the present day through no more than five years from the present day.

40% PROJECT

The course project is intended to provide you with the opportunity to learn and demonstrate your understanding of an aspect of the legal environment of higher education. The aspect you investigate can be grounded in court opinions (cases), legislative actions (statutes), or regulations (administrative law). You have the choice of conducting a field research project or completing an annotated bibliography. Students will provide information about their selected project at different points across the semester, including rationale for their choice and an initial description. These updates will be posted on the Discussion Board forums and are ungraded.

**FIELD RESEARCH PROJECT:** This project entails development of a case, based in your own college, where legal challenges or concepts have implications for administrative decisions. Through your own research you will either clarify or resolve this problem. The final report will include the context and background of your problem, an identification and discussion of the causes of the problem, and specific research-based warranted actions that could affect systemic change within your college. The final report is no fewer than fifteen (15) pages in length and no greater than twenty-five (25) double-spaced pages in length, exclusive of title page and reference list. You will use no fewer than thirty (30) sources from personal interviews, peer-reviewed journals, law reviews, and court opinions. To clarify, one individual interviewed equals one source. Ten individuals interviewed, once or multiple times, equals ten sources. If you interview ten individuals on your campus, you need an additional twenty sources from court opinions, law reviews, or peer-reviewed journals to complete your sources requirement. Any combination of sources is fine as long as there are no fewer than thirty sources.

or

**ANNOTATED BIBLIOGRAPHY:** This project entails selecting and developing a comprehensive annotated bibliography on a legal issue that has the potential for enhancing your understanding of your doctoral research study. The annotation part of this project contains two elements, (1) major themes or findings from your source, and (2) a statement evaluating the quality of this source for your doctoral research study. A model is provided in Blackboard. Requirements for this project include no fewer than thirty (30) annotated sources and an executive summary, no greater than three double-spaced pages, in which you identify and elaborate upon common findings or patterns in your sources. These sources are evenly divided into 10 court opinions, 10 law review articles, and 10 articles from peer-reviewed journals.

20% HARVARD GRADUATE SCHOOL OF EDUCATION CASE ANALYSES

Students will develop two written case analyses. Two case analyses, Carlsberg University and the Women’s Center will be used. Each case analysis is no fewer than 5 and no more than 10 double-spaced pages in length, exclusive of title and reference pages. The average number of pages, from past courses, is eight, exclusive of the title page and reference page. Each case analysis requires no fewer than five
current citations from law reviews, court opinions, or peer-reviewed journals. Current is defined as the period from the present day through no later than five years from the present day. Consideration in each of the cases should focus on four questions: (1) what are the basic, empirical facts of the problem?; (2) what are its causes or antecedents of the problem?; (3) what other information is needed?, and (4) what actions, that have the potential for introducing systemic change, are warranted? The case analysis calls for you to make judgments about what is core to the problem at hand and what is peripheral. Evaluation of the case attends more to your effort and engagement on diagnosing the root of the problem and thinking through how systemic change within this organization will prevent it from reoccurring. A template for reporting on your case analysis is available in Blackboard.

**REQUIRED SUMMARY REPORT**

Provide a maximum three-page double-spaced report on (1) the most important learning experiences that resulted from this course [include any commentary on how reviewing your colleagues’ work in the Discussion Board forums contributed to your own understanding of the course material]; (2) the court opinions, case analyses, or problem-solving exercises that you found particularly related to your practice, and why; and (3) your understanding of the legal system in relation to higher education law before you took this course and your view upon course completion.

**GRADING SCALE**

<table>
<thead>
<tr>
<th>Points/Letter</th>
<th>Grade</th>
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<tbody>
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<td>A</td>
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<tr>
<td>90-94</td>
<td>A-</td>
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<td>80-79</td>
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<td>60-69</td>
<td>D</td>
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<tr>
<td>&lt;60</td>
<td>F</td>
</tr>
</tbody>
</table>

**SCHEDULE**

**Post all assignments in their respective Discussion Board forums. The Discussion Board forums are identified by week and by title of the assignment.**

In addition to posting your assignments each week, you are required to review, at minimum, two of your colleagues’ assignments, and to respond to colleagues’ review of your own work. Templates, with explicit guidelines for providing constructive feedback on each other’s work, are available in Blackboard.

**Week 1: Introduction to Legal Research**

You will be given the opportunity to learn how to access LexisNexis for legal resources including court opinions and law reviews, differentiate elements of a case brief, to develop and discuss your first case brief, and describe internal and external governance of higher education.

**Required readings**:  
1. Gadja, A. (2009). *The trials of academe: The new era of campus litigation*. Complete the text by week four. (An assignment regarding this text is associated with week four of this class.)  

Readings, outside of the required texts, are provided in Blackboard.


**Assignment:**


**Week 2: Due Process and Faculty Tenure Decisions**

You will be given the opportunity to analyze and discuss due process issues in higher education. The intent of the assignment is to develop your ability to resolve or clarify issues and think through actions that could be taken to introduce systemic changes in the workplace.

**Required readings:**

1. American Association of University Professors (AAUP) legal resources on tenure.
2. Kaplin & Lee. The section on *The College and its Faculty* will have pertinent material related to this week’s case analysis.

**Assignments:**

1. Post your analysis of the Carlsberg University case. A template for preparing this case study is available in Blackboard.
2. Post a brief description of your major project. Let your colleagues know whether you have selected the field study or the annotated bibliography option and why. Identify the questions you would like to investigate in this project and indicate how the subject matter is related to your doctoral research study or professional development.

**Week 3: Academic Freedom and the Courts**

You will be given the opportunity to learn about faculty rights and interests, explain the legal ramifications related to faculty employment, and be introduced to IRAC (Issue, Rule, Analysis, and Conclusion), a generally accepted framework, for representing legal analysis.

**Required readings:**

1. AAUP legal resources on academic freedom. Link in Blackboard.
2. Kaplin & Lee. The section on *The College and its Faculty* will have pertinent material related to understanding holdings by judges in lawsuits brought by faculty to the courts.


**Assignments:**


2. Post a Word document outlining your course project. Guidance for this assignment is available in Blackboard.

**WEEK 4: FACULTY UNIONS AND ADMINISTRATION**

You will be given an opportunity to learn about and analyze a complex problem related to shared governance, academic freedom, and other issues related to faculty employment.

**Required readings:**

1. AAUP legal resources on collective bargaining.


**Assignments:**

1. Post your analysis of the Hemlock College case. A model and template for preparing this problem-solving exercise are available in Blackboard.

2. Post a response to the question, “What connections did you find in the Gadja text to your own workplace or to what you have learned from this course?”

**WEEK 5: STUDENTS AND INSTITUTIONAL REGULATIONS**

You will have an opportunity to learn about various legal principles relating to students and institutional regulations, including nondiscrimination, through analysis and preparation of a case brief.

**Required reading:**


**Assignments:**

1. Post a case brief. Cases for Week 5 include: *Charleston v. Board of Trustees of the University of Illinois at Chicago* 744 F.3d 769 (7th Cir., 2013), *Class v. Towson* 806 F.3d 236 (4th Cir., 2015), *Johnson v. Loyola University of New Orleans* 98 So.3d 918 (La. Ct. App., 2012), *Shurb v. The University of Texas Health Science Center at Houston-School of Medicine* 63 F.Supp. 3d 700 (S.D. Tex., 2014). Case assignments are available in Blackboard.

2. Post an update indicating your progress on your course project.
**WEEK 6: STUDENTS AND DEPARTMENTS**
You will be given an opportunity to learn about the legal rights and responsibilities of individual students through analysis and preparation of a problem-solving exercise.

**REQUIRED READINGS:**
1. AAUP legal resources on grading.

**ASSIGNMENT:**
1. Post your response to the Accounting Student problem-solving exercise.

**WEEK 7: STUDENTS AND SPECIAL CIRCUMSTANCES**
You will analyze court opinions on the rights and responsibilities of individual students.

**ASSIGNMENT:**

**WEEK 8: NEAR FINAL DRAFT OF PROJECT DUE**

1. Post your near final draft of your project.

**WEEK 9: THE COLLEGE’S AUTHORITY AND LIABILITY**
You will have an opportunity to learn about federal government regulation related to copyright law through analysis and preparation of a problem-solving exercise.

**REQUIRED READINGS:**
1. AAUP resources on Intellectual Property.
2. Copyright and Fair Use Guides.

**ASSIGNMENT:**

**WEEK 10: RELIGION AND THE ACADEMY**
You will have an opportunity to learn about the legal intersections between religion and the academy through readings and an analysis of various court opinions.

**REQUIRED READINGS:**
2. Kaplin & Lee. Sections related to the *College and Government*. 
ASSIGNMENT:


WEEK 11: LEGAL IMPLICATIONS OF RELIGIOUS TENETS IN HIGHER EDUCATION

You will be given the opportunity to learn an approach to analyzing and discussing academic freedom in religious colleges and universities.

REQUIRED READINGS:


ASSIGNMENT:

1. Prepare and post your analysis of The Women’s Center case.

WEEK 12: FINAL PROJECT AND SUMMARY REPORT

1. Post your final project and summary report in the appropriate Discussion Board forums.

READING CASE CITATIONS IN TEXTS AND REFERENCES

Knowing how to read a case citation is an important skill for everyone studying legal aspects of higher education. The table below may help you with understanding the basic elements.

<table>
<thead>
<tr>
<th>Case Name</th>
<th>Volume No.</th>
<th>Reporter</th>
<th>Beginning Page</th>
<th>Year of Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sweezy v. New Hampshire</td>
<td>354</td>
<td>United States</td>
<td>234</td>
<td>1957</td>
</tr>
</tbody>
</table>

Sweezy v. New Hampshire, 354 U.S. 234 (1957). The citation tells us that a case called Sweezy v. New Hampshire was decided in 1957 and can be found in Volume 354 of the United States Reports starting on page 234. The official reporter for United States Supreme Court decisions published by the federal government is United States Reports (U.S.).

The National Reporter System, published by West, is the primary publication route for opinions from the federal courts of appeals, the federal district courts, and the state appellate courts. There are 18 reporters in the National Reporter System. Eight of the units cover federal courts and ten units cover the 50 states and the District of Columbia.

The Federal Reporter (F.), Federal Reporter, Second Series (F. 2d) and Federal Reporter, Third Series (F. 3d) contain the reported cases of the U.S. Courts of Appeal. Because federal appeals courts are found in one of twelve different districts, the specific district is added

Adams v. University of North Carolina 640 F.3d 550 (4th Cir., 2011). Because this case is reported in F. 3d, you know it was a case whose decision was rendered in a federal appeals court.

The Federal Supplement (F. Supp.) contains the reported cases of the U.S. District Courts. The U.S. District Courts are the general trial courts of the United States federal court system. Because there are 94 district
or trial courts in the federal system, the specific trial court is added. In the example below, the District Court of New Mexico is designated as D.N.M.

*Pompeo v. Board of Regents of New Mexico* 58 F. Supp. 3d 1187 (D.N.M., 2014). Because this case is reported in F.Supp.3d, you know it was a case whose decision was rendered in a federal district or trial court.

Appellate level state court cases appear in one of the various state or regional reporters. In the example below, you will see one of the designated regional reporter identified as So.3d.

*Johnson v. Loyola University of New Orleans* 98 So.3d 918 (La.Ct. App., 2012).

**WRITING CASE CITATION**

When writing, you are required to use the formatting and reference style endorsed by the American Psychological Association (APA) in this doctoral program. *The Publication Manual* of the APA identifies a specific format for legal materials (see p. 217). In text, cite the name of the case (italicized) and the year of the decision. A text citation looks like this: *Adams v. University of North Carolina* (2011) or in parenthetical format like this: *(Adams v. University of North Carolina, 2011).*

The reference form of the case is the full citation and looks like this:


*Explanation:* The decision was rendered by federal appeals court for the fourth district. It appears in volume 640 of the Federal Reporter, Third Series and starts on page 550.

**HOW TO BRIEF A CASE**

Case briefs, written documents that outline and condense a legal case, should be a one-page summary of the case. Structure the summary using the template and model found in Blackboard.

These are the elements of a case brief:

**Procedural History:** This section tells the reader how this case got to this particular court. If it is an appeals court (in *F. 3d*, for instance), you indicate which district court the case came from. If it is a district court (in *F.Supp. 3d*, as an example), then let the reader know which college or university acted on it prior to filing suit.

**Issue:** This section tells the reader why this case was brought to this particular court. The issue statement looks like this: This case is before this court to determine whether....

**Facts:** This section tells the reader the relevant facts of the case.

**Rule of Law:** This section tells the reader a few of the statutes or other cases that the judges in this particular court relied upon in the reasoning section of this court opinion. Do not simply cite the statutes or court decisions, but briefly tell the reader what the rule of law [that was generated from that case] is.

**Reasoning:** This section tells the reader how and why this particular court fit the facts and circumstances of this case into the rule of law that you articulated above.

**Holding:** The holding is the court’s decision on the issue. It tells the reader who won. The holding and the issue are complementary.
There are two additional sections required by the university on student evaluations and on copyright information that identifies the university that has not been included.

**COLLEAGUE REVIEW INSTRUMENT: PROBLEM-SOLVING EXERCISES**

To the reviewer: The purpose of peer review is to provide targeted feedback to the writing about what is working in the assignment and what is not.

1. Please read the problem-solving exercise through the first time without making any judgments on it in order to familiarize yourself with your colleague’s writing and approach to the problem-solving exercise.

2. Once you have done this, read your colleague’s paper again and think through the following questions:
   - Does the paper clearly identify the problem at hand? If not, what is missing, unclear, or understated?
   - Does the paper progress clearly from the description of the specific problems to recommendations or warranted actions? In other words, has your colleague made a logical connection between the problem and how the problem of practice may be resolved?
   - What is the best part of your colleague’s response to this problem?
   - What area of the write-up needs most improvement?

3. Was APA formatting and style followed? Was the template used? In other words, does running head appear on title page and not on second and third pages? Is it paginated? Are appropriate levels of heading used [see p. 64 of the APA manual]? Are APA conventions [bold and not bolded] for titles followed? Review the basic citation table on p. 177 for in text citations and p. 180 and beyond for using correct formatting for the reference list.

4. Post your response, using this form as a guideline, to two of your colleagues’ assignments.

**PEER REVIEW INSTRUMENT: CASE ANALYSIS**

To the reviewer: The purpose of peer review is to provide targeted feedback to the writer about what is working in the paper and what is not.

1. Please read the case analysis through the first time to determine your colleague’s writing style and approach to this case study.

2. During the second read, determine whether there is alignment between the way the problem is identified and the warranted actions section. In other words, do the warranted actions help to resolve or clarify the basis, empirical facts of the problem?
3. Once you have done this, read the paper again and think briefly through the following questions:
   - Does the first paragraph set the tone for the reader to get a solid sense of the context of the problem? If not, what is missing, unclear, understated, and so forth?
   - Does the case analysis progress clearly from one paragraph to the next and from one section to the next?
   - Does each section, including the missing information section, add to your understanding? If not, where does the structure break down and/or which paragraph or section is problematic and why?
   - Do the warranted actions draw together the various strands of this analysis and are the warranted actions supported by at least five sources from either peer-reviewed literature, law journals, or court opinions?
   - What is the best part of this case analysis?
   - What area of the case analysis needs most improvement?

4. Was APA formatting and style followed? Was the template used? In other words, does running head appear on title page and not on second and third pages? Is it paginated? Are appropriate levels of heading used [see p. 64 of the APA manual]? Are APA conventions for bold and unbolded titles followed? Review the basic citation table on p. 177 for in text citations and p. 180 and beyond for using correct formatting for the reference list.