

RELIGION AND THE CONSTITUTION

UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW SYLLABUS – COURSE #13935 SPRING 2023– LAW 6936 – 2 Credits

Professor Charles W. Collier
Holland Hall Office 373

Office Hours: Thursday, right after class or by appointment (right before class is not a good time). You may contact me via *Canvas* /Inbox.

MEETING TIME AND LOCATION

Thursdays, 5:00 pm – 7:00 pm; Room HH 360

COURSE DESCRIPTION

An introduction to the fundamental issues and ideas concerning the Religion Clauses as they have been interpreted by the U.S. Supreme Court.

STUDENT LEARNING OUTCOMES

Understanding of key issues and cases concerning the Religion Clauses of the U.S. Constitution.

REQUIRED READING MATERIALS:

Additional materials will be posted to the “Files” section of the course’s *Canvas* page. Please be sure to register for the *Canvas* course and have any required materials with you in print or easily accessible electronic form in class. You are responsible for checking your *Canvas* page and the e-mail connected to the page on a regular basis for any class announcements or adjustments.

CLASS ATTENDANCE POLICY:

Attendance in class is required by both the ABA and the Law School. Attendance will be taken at each class meeting. Students are allowed 6 unexcused absences during the course of the semester. Students are responsible for ensuring that they are not recorded as absent if they come in late. A student who fails to meet the attendance requirement will be dropped from the course. The law school’s policy on attendance can be found [here](#).

COMPLIANCE WITH UF HONOR CODE:

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Law Honor Code located [here](#). The UF Law Honor Code also prohibits use of artificial intelligence, including, but not limited to, ChatGPT and Harvey, to assist in completing quizzes, exams, papers, or other assessments.

INFORMATION ON UF LAW GRADING POLICIES:

The Levin College of Law’s mean and mandatory distributions are posted on the College’s website and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

Letter Grade	Point Equivalent	Letter Grade	Point Equivalent
A (Excellent)	4.0	C (Satisfactory)	2.0
A-	3.67	C-	1.67
B+	3.33	D+	1.33
B	3.0	D (Poor)	1.0
B-	2.67	D-	0.67
C+	2.33	E (Failure)	0.0

The law school grading policy is available [here](#).

OBSERVANCE OF RELIGIOUS HOLIDAYS:

UF Law respects students’ [observance of religious holidays](#).

- Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith.
- Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence.
- Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances.

EXAM DELAYS AND ACCOMMODATIONS:

The law school policy on exam delays and accommodations can be found [here](#).

STATEMENT RELATED TO ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

Students requesting accommodations for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs (Assistant Dean Brian Mitchell). Students with disabilities should follow this procedure as early as possible in the semester. It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester. Students may access information about various resources on the UF Law Student Resources Canvas page, available at <https://ufl.instructure.com/courses/427635>.

STUDENT COURSE EVALUATIONS

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click [here](#) for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students [here](#).

RECORDINGS OF CLASS

All classes will be recorded via Mediasite in case students must miss class for health reasons. The Office of Student Affairs will work with faculty to determine when students may have access to these recordings, and the recordings will be password protected. It is the student's responsibility to contact the Office of Student Affairs as soon as possible after an absence.

ABA OUT-OF-CLASS HOURS REQUIREMENTS: ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every "classroom hour" of in-class instruction. Each weekly class is 2 hours in length, requiring at least **4 hours of preparation** outside of class including reading the

assigned materials, writing critical analyses, and a take home final examination.
Please budget accordingly.

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS (TENTATIVE)

The information below generally represent what I will attempt to cover during a class period, but they are only estimates. We may move faster or slower depending on how the classes progress. You can anticipate what the next class period's reading assignment will be from the material given if you wish to start early or read ahead. ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every "classroom hour" of in-class instruction.

Seminar Description

Additional materials will be posted to the "Files" section of the course's *Canvas* page.

In this Seminar the Religion Clause cases of the U.S. Supreme Court are our topic. Each student selects a current or past U.S. Supreme Court Religion Clause case to concentrate on. The cases selected are discussed by the whole class, and teams of two students prepare for oral arguments on their selected cases at the end of the term. Requirements also include a seminar paper having something to do with the case selected by the student; this paper will satisfy the Advanced Writing Requirement.

First, I ask students to come to the second and possibly third class with first, second, and maybe even third choices as to which case they would like to be responsible for, which means taking a lead role in its discussion and, at the end of the semester, participating in an oral argument of the case. I try to get "teams" of

two students per case, one for each side, in line with students' preferences to the extent possible.

So the first few weeks are devoted to the discussion of the cases, as outlined above. After that the teams meet with me separately in team conferences each week to discuss their oral arguments and their papers (about 20 pages, due at the end of exams, and having something to do with their case). At some point I hand out the *Guide for Counsel in Cases To Be Argued Before the Supreme Court of the United States* (current edition, from the Supreme Court). Then for the last two weeks of class we reconvene as a group for oral arguments, with the class as the Court. This seems to lend an air of realism to the class.

Grading Rubric:

85%	Seminar Paper
10%	Oral Argument
5%	Case Presentation and Class Participation

Class Presentations (Summary)

A. In advance

Select something helpful and informative concerning your case for the class to read in advance (about 20 pages). *Examples* (any of which could be edited or otherwise shortened to 20 pages):

Lower-court opinions in your case (possibly including dissenting opinions)

Cert petition, brief-in-opposition to cert, briefs on the merits, reply briefs, etc.

Scholarly commentary and articles (for example, from the SCOTUS blog)

Op-Ed. pieces on your case or on issues involved in your case

Journalistic reports about your case from newspapers or magazines

B. Presentation (no longer than 30 minutes)

The following sorts of things should normally be covered (these could be divided up between team members; Power Point and other forms of electronic presentation may be used; handouts could also be distributed):

Procedural history of the case: facts, trial, appeals

The precise question(s) on which the Supreme Court has granted review;

generally speaking, your case must normally present a “federal question.”

Issue(s) before the Court, especially in light of existing precedent

Any new or newly relevant legal theories pertaining to your case

Questions that could be posed to the class

Questions that the class might pose to you