Please attach/submit additional documents as needed to fully complete each section of the form.

I. COURSE INFORMATION

Department: Environmental Studies  
Course Title: Environmental Law  
Course Number: ENST 382  
Type of Request: [X] Renew

Rationale: Scheduled for review as part of the rolling review process for upper-division W courses.

II. ENDORSEMENT / APPROVALS

* Instructor:  
Signature  
Phone/Email:  
Program Chair:  
Signature  
Dean:  
Signature

*Form must be completed by the instructor who is teaching the course. If the instructor of the course changes before the next review, the new instructor must be provided with a copy of the form prior to teaching the course.

III. OVERVIEW OF THE COURSE PURPOSE / DESCRIPTION

Provide an introduction to the subject matter and course content:

The course is designed to introduce undergraduate students to the principles and procedures of environmental law in the United States at the federal and state levels of regulation. Its focus is to enable students to recognize legal issues in the field, apply existing rules to specific factual situations, to reason out the best application of those rules to the facts through analysis and to conclude about the outcome under current environmental law principles. The course covers a breadth of regulated areas, beginning with constitutional principles about the level of regulation, proceeding to major procedural rules and statutes such as the Administrative Procedures Act and the National Environmental Policy Act, then taking up the Clean Air Act, Endangered Species Act, Section 404 of the Clean Water Act, the US Constitution takings clause, the state and federal regulation of mining, the National Forest Management Act and the law surrounding water rights. In addition, incentive-based approaches like conservation easements and the educational approach of best management practices under the Montana DNRC are reviewed. Students receive instruction on legal writing techniques using the legal writing format of IRAC (issue, rule, analysis and conclusion) and legal research, including interpretation of court decisions and statutory/rule construction and language.
IV. LEARNING OUTCOMES

Provide examples of how the course will support students in achieving each learning outcome

- Identify and pursue sophisticated questions for academic inquiry.
  X Yes  If yes, how will student learning be supported?
The course uses factual situations generated as hypotheticals by the instructor for the students to apply the law, analyze the influence of particular facts on the application of the law and to conclude about the correct outcome. Student learning is supported by instruction on the methods of legal interpretation and student practice with hypotheticals in class with their peers including discussion and review with the instructor to learn to pick our relevant facts and analyze the application of law to the facts. The first paper of the three assigned is turned in as a draft for grading and comments by the instructor and teaching assistant. Students must then meet with the grader of their paper to go over our comments and ask questions prior to revision. A final draft is then submitted by the students and graded again, allowing students to see where they have improved their writing and their application of the law to the facts to arrive at a reasoned conclusion.

Students are also required to select a group discussion leader topic from a list of questions/issues developed by the instructor. In groups of up to 6 students they experience the process of researching and developing a presentation about the issue and then lead the class in an activity relating to the information they present on the topic. This can be in the form of a debate, role play, game or other interactive format that involves the other students directly in engaging the material. Group leaders are provided with initial background material and instructed as to the direction to take the topic, but then are responsible for putting together their own materials to present to the class.

X Yes  If yes, how will student learning be supported?
Part of the class is instruction on legal research using Mansfield Library online databases such as Lexis-Nexis Academic and proper citation format as well as instruction on a specific writing format to organize their writing and reasoning adapted from the law school format of issue identification, Rule explanation, Analysis of the application of the rules to the facts, and development of a conclusion that follows from that analysis.

Students also receive instruction about selecting sources from the internet and print media and to distinguish less reliable from more reliable sources of information. Students are not limited to using legal research products strictly and may use popular magazines and web materials as long as they are adequately reliable for the purpose used. Grading of both the papers and the discussion leader sessions include an explicit evaluation of the reliability of the sources for the purpose used and the presence of sources other than those included in the course readings or in class.

See above for more information about how analysis and synthesis is supported in the course.

X Yes  If yes, how will student learning be supported?

- Manage multiple perspectives as appropriate
  X Yes  If yes, how will student learning be supported?

Students are introduced to a variety of voices in the course from many perspectives. Industry and development perspectives as well as environmental group positions are explicitly developed by the instructor and sometimes guest speakers. At various times speakers from the mining industry, environmental consulting industry and timber industry have spoken to the class as well as Sierra Club and the Missoula Open Space Committee Chair.

Writing assignments do not require the students to come to a single, orthodox conclusion to be successful. Instead, the conclusion must be supported by evidence from the facts, outside sources and appropriate use of the legal rules. Likewise,
the discussion leader sessions are encouraged to provide the perspectives of all major interest groups in the issues identified and often develop an understanding of those standpoints through a debate or role play. The instructor includes direction to develop those perspectives as applicable to the discussion leader groups. (see attached) The writing assignments require interpretation/explanation of alternative arguments within the paper themselves and students are instructed how to manage presentation of those alternative views within the analysis section of the paper.

☐ No  If no, course may not be eligible

- Recognize the purposes and needs of discipline-specific audiences and adopt the academic voice necessary for the chosen discipline
  X Yes  If yes, how will student learning be supported?

Students gain experience in legal reasoning and write their responses to the hypotheticals from the position of a lawyer for either the opponent or proponent of an activity affecting the environment OR as a judge reviewing the likely arguments of the parties deciding the case. The lawyer voice is either framed as an argument to the court or a memorandum to a client seeking to do an activity advising them of their legal position and their likelihood of success on the merits of each issue.

In class practice with hypotheticals and instruction about how to address issues from each of these voices in a legal framework is delivered to support student learning. For the first paper and draft is graded and reviewed to offer guidance on the purpose and needs of legal documents of the appropriate type.

Students also read cases in the course and instruction is given on how to read cases and cases are used to illustrate legal reasoning principles.

☐ No  If no, course may not be eligible

- Use multiple drafts, revision, and editing in conducting inquiry and preparing written work
  X Yes  If yes, how will student learning be supported?

The first paper is first turned in as a draft, graded and reviewed with the student by the grader. A subsequent revised final paper is turned in and the weight of the draft is based on the overall effort of the class to revise their writing. We strongly encourage proofreading of subsequent papers, review by peers and editing and/or use of the Writing Center to get feedback to improve assignment quality.

☐ No  If no, course may not be eligible

- Follow the conventions of citation, documentation, and formal presentation appropriate to that discipline
  X Yes  If yes, how will student learning be supported?

  The course provides instruction on citation methods and allows students to use either the APA or MLA styles of citation. Citation guides are posted on the course moodle site. Proper citation is part of the grade of each paper.

☐ No  If no, course may not be eligible

V. WRITING COURSE REQUIREMENTS

- Enrollment is capped at 25 students.  ☒ Yes  ☐ No
  If no, list maximum course enrollment.  35
  Explain how outcomes will be adequately met for this number of students.

As a core course in the Environmental Studies undergraduate major ENST 382 Environmental Law must serve more than 25
students. This is accomplished successfully by the use of a graduate teaching assistant to take notes for each class session for review by the students, having teaching assistant office hours in addition to those of the instructor each week and having the teaching assistant grade papers along with the instructor.

Justify the request for variance.
Environmental Studies graduate students selected for the teaching assistantship must have proven writing ability and teaching capacity. The instructor provides examples of past papers he has graded, develops a grading rubric for each paper that is used by both the teaching assistant and instructor and the instructor reviews the grading of 3 papers by the teaching assistant for each paper to ensure adequate quality of feedback on writing and grading of content/research/citation. Thus, significant controls are in place to provide quality feedback and instruction on writing from the teaching assistant. Each student receives significant writing feedback from both the teaching assistant and instructor during the course. Both the TA and the instructor grade an assignment from each student across the 3 formal writing assignments in the course.

• Briefly explain how students are provided with tools and strategies for effective writing and editing in the major.

Within the major all students are required to complete ENST 201 Environmental Information Resources, a major specific writing course aimed at second year students. The course teaches research and writing of a research paper and literature review as its main purpose. The final research paper is prepared in stages with each stage counting toward the final grade. Each student has multiple levels of feedback from the instructor, always an EVST tenure-track faculty member.

Few of our undergraduate courses depend on exams for successful completion of the course, instead relying on written work. Our upper-division core courses are all writing intensive and students must complete a total of three 3-credit courses of this nature out of a menu of eight courses (4 of 8 are upper division W courses).

• Which written assignment(s) includes revision in response to instructor’s feedback?

The first paper is first turned in as a draft, graded and reviewed with the student by the grader. A subsequent revised final paper is turned in and the weight of the draft is based on the overall effort of the class to revise their writing. We strongly encourage proofreading of subsequent papers, review by peers and editing and/or use of the Writing Center to get feedback to improve assignment quality.

VI. WRITING ASSIGNMENTS

Please describe course assignments. Students should be required to individually compose at least 20 pages of writing for assessment. At least 50% of the course grade should be based on students’ performance on writing assignments. Quality of content and writing are integral parts of the grade on any writing assignment.

• Formal Graded Assignments
  Three 7 page papers count and assigned reading notes account for 90% of the course grade. Reading notes are assigned at the beginning of the semester to stimulate student attention to the readings and happen in variable number depending on the classes’ engagement with the material. At most 3% of the final grade is based on the reading notes. The discussion leader sessions count for 5% of the grade for each student.

• Informal Ungraded Assignments
  None

• Attach a sample writing assignment. Include instructions / handouts provided to students.
VII. WRITING ASSESSMENT

HOW ARE THE LEARNING OUTCOMES ABOVE MEASURED? Describe the measurement(s) used, such as a rubric or specific test questions that directly measure the Advanced Writing learning goals. Please attach or provide a web link to the rubric, test questions, or other qualitative measurements used for several of the learning outcomes.

Students are graded on the content of the writing assignments according to a rubric developed specifically for each assignment assessing learning outcomes and assigning points. These are produced to guide the teaching assistant in their grading and are not shared with students formally prior to preparation of the paper, but the points we were looking for are covered after the papers are returned in class verbally by the instructor. See attached for an example.

The writing portion of the grade is based on assessment of several pertinent factors:

- Presence of an introduction describing the setting of the case
- Clear statement of the legal issue
- Clear exposition of the law applicable to the issue
- Well developed factual development and application of the law to those facts in a reasoned and coherent fashion
- Coming to a conclusion that follows from the analysis and clearly stating the position
- Organization and coherence- do topics follow one another logically without jumping around and are their clear transitions and/or organizing headings to guide the reader through the material
- Proper citation and use of outside sources
- Proper sentence structure
- Proper grammar and spelling

I find assigning particular points to each of these factors unnecessarily limiting- a paper can fail miserably through poor organization although all the points are covered, but in a jumbled presentation as well as from failing to analyze thoroughly and completely the facts applicable to the legal issue. Both papers should receive lower writing grades that are probably similar. Students are instructed that all of these factors enter into the writing portion of the grade before the first paper and subsequently in class instruction focuses on the issues that are prevalent in those papers scoring lower on writing.

VIII. SYLLABUS

Attach syllabus and send digital copy with form to faculty.senate@mso.umt.edu. The syllabus must include the list of Writing Course learning outcomes:

- Identify and pursue more sophisticated questions for academic inquiry
- Find, evaluate, analyze, and synthesize information effectively from diverse sources
- Manage multiple perspectives as appropriate
- Recognize the purposes and needs of discipline-specific audiences and adopt the academic voice necessary for the chosen discipline
- Use multiple drafts, revision, and editing in conducting inquiry and preparing written work
- Follow the conventions of citation, documentation, and formal presentation appropriate to that discipline
- Develop competence in information technology and digital literacy
After all signatures have been obtained, submit original, and an electronic file to the Faculty Senate Office, UH 221. An electronic copy of the original signed form is acceptable.