

**Topic Areas Covered**

- |                             |                                |                           |                   |
|-----------------------------|--------------------------------|---------------------------|-------------------|
| Academics                   | Community                      | Food service              | Policy-making     |
| Accessibility               | Compliance                     | Gambling                  | Real estate       |
| Administration & Governance | Constitutional Issues          | Governance                | Security /Safety  |
| Alcohol & substance abuse   | Crisis Management and Response | Hazing                    | Sexual Harassment |
| Assault                     | Cyber crime                    | Health care               | Student Affairs   |
| Bias                        | Discrimination                 | Immigration               | Suicide           |
| Budget, finance and taxes   | Disabilities                   | Intellectual Property     | Tuition           |
| Clery Act                   | Economy                        | Internet                  | Unions            |
|                             | Employment                     | Liability/Risk Management | Violent crime     |
|                             | First Amendment                | Personnel; hiring/Firing  |                   |

**Focus On...: Activities on Title IX**

Jan 2

**Resources: Focus on Constitutional Concerns**

How to balance individual rights with institutional responsibilities, particularly in public higher education settings? Consider some tips from "The First Amendment on Campus: Handbook for College and University Administrators."

Jan 9

**Laying Down the Law: Enabling Those with Disabilities**

The issue In an effort to extend civil rights protections to individuals judged to have some form of a significant disability, federal legislation has been adopted to ensure equal opportunities. Last year amendments to the American with Disabilities Act (ADA) of 1990 were enacted as Congress worked to make sure that protections under the law were broadly available.

Jan 30

**Key Case: Getting the Academic Process that is Due**

She was accepted to attend eight dental schools and selected the University of Michigan. In her third year, she

had a "B" average and took advantage of taking exams in a private setting to accommodate a learning disability. But she alleges that two instructors resisted the accommodation and suddenly she was dismissed from the school. She said she was denied due process. They said she was not fit to practice dentistry due to behavior problems.

Feb 6

**Just Ask: New Requirements for Campus Crime Reporting**

I hear that there are more new requirements on campus crime reporting. What are they? What do we need to be doing? What's next?

Feb 13

**Cases Noted: Federal Complaints Over Harassment**

Did the campus president sexually harass an employee for a few years? Did the school, Luna Community College (NM), fail to properly respond to the employee's complaints at the time? The U.S. Department of Justice says "yes" and now has filed a related lawsuit against the school.

Feb 27

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### **Resources: Sealing the Deals**

Jan 30

### **Out of the Courts: Sorting Out Settlements**

January 2, 2009

### **Cases Noted: Expelled for Hate Crime**

January 2, 2009

### **Opinion: Let the Professionals Do It!**

The state legislature took over three hours of expert testimony on the issue of underage drinking on campus. What would the lawmakers do with the information? Adopt new mandates for colleges and universities in New Jersey? Make every school in the state do the same thing?

January 9, 2009

### **Cases of the Month: Hitting a Sour Note**

January 9, 2009

### **Cross Examination: The Legal Journey of the Drunken Pirate**

The undated photo, posted by the student on myspace.com, showed her at a costume party, held outside of school hours and away from campus. She was wearing a pirate party hat and holding up to her lips a large red plastic cup. In May 2006, just days before she was to graduate from Millersville University (PA), school officials told her she would not be getting her teaching degree.

Jan 16

### **Laying Down the Law: How Open the Meeting?**

Public institutions are generally bound by laws that require meetings to be open to the public, with public advance notice of agenda items. The open meeting laws have frequently been tested in court. Public colleges and universities, trying to close the doors on some proceedings, have been challenged by activist citizens or local media.

Jan 16

### **Follow-Up: What's in a Name (of a Building, that is)?**

Jan 16

### **Key Case: Whom to Compensate for Mold and Mildew?**

It was apparent to all that the residence hall made him sick. But could he sue the school for damages?

Jan 22

### **Liability Tip: Protection from Date Rape Drugs**

Reports of college students being assaulted through the use of sedative or depressive drugs are on the rise, despite efforts to improve potential victim awareness. What can colleges and universities do to promote better student safety?

Jan 22

### **Cases Noted: Taking on School and Students?**

Jan 22

### **Cases of the Month: Keeping Track of Trustees**

Trustees of colleges and universities provide leadership to their institutions and can serve as role models for their schools and employees. But in recent years, trustees conduct has been scrutinized more carefully as a number of issues and incidents have drawn the attention of the media and government.

Jan 30

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Jan 30

### **Liability Tip: Responding to Disasters and Threats**

A constant concern for students and families in today's world is how well prepared the campus is for disasters and threats. While colleges and universities work on prevention and response, now under the terms of last year's Higher Education Act amendments, what should students be told to help keep them safe?

Feb 6

### **Follow-Up: College Fees for Illegals**

Feb 6

### **Opinion: 35,000 Lawsuits Later**

Since 2003, in an effort to fight copyright pirates on college campuses, the Recording Industry Association of America (RIAA) has filed more than 35,000 lawsuits. They largely targeted college students, who began to download music to pirate systems in 1999. But they also managed to catch a number of struggling single mothers, a 13-year-old

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girl, and at least one deceased person in their legal net.

Feb 13

### **Cross Examination: Keeping the Gifts You Get**

Feb 13

### **Focus On...: Litigation and Land**

This month, a look at a series of land and property disputes on and near college campuses. How campuses control, develop and influence properties has become an increasingly complex and legal issue in recent times.

Feb 27

### **Out of the Courts: Policing the Campus Police**

Who polices the police? Whom do you call when wrongdoing is suspected by those responsible for uncovering wrongdoing? These questions were raised last year in Louisiana. The state's Inspector General was asked to review allegations of misconduct by the campus police chief at Southern University of New Orleans (LA). What were the issues? How was the review conducted? What was found?

Feb 27

### **Liability Tip: Easy Off-Campus Crime Targets**

Crime experts say that a burglary takes place about every 10 seconds. And college students living off-campus have become prime targets, particularly during break periods. Homes and apartments, filled with electronics and other valuables, are left dark for extended periods of time.

Mar 6

### **Key Case: Protecting the Interns**

For the most part, interns from colleges and universities are young, somewhat inexperienced, and many may even be gaining valuable work-related skills out of town and away from campus. When a student is working in the employment world for credit or experience, is the student protected by employment law? That issue was recently explored in the District of Columbia, where a college student claimed sexual harassment on her internship assignment. To what degree would the law protect her?

Article Mar 6

### **Follow-Up: Probation in Fraternity Hazing**

In March 2007, a freshman at Rider University (NJ) died after drinking two-thirds of a bottle of vodka at a Greek party. The fraternity president was recently sentenced for his role in that hazing death.

Mar 6

### **Cross Examination: The Silent Victim**

Late last year, the U.S. Department of Education ruled on an issue of campus concern. How open can or should colleges and universities be when they deal with sexual assault discipline? Of federal concern were policies at the University of Virginia regarding the disclosure of outcomes reached and sanctions imposed by a sexual assault board.

Mar 14

### **Laying Down the Law: Avoiding Copy "Wrongs"**

The Law Federal copyright law protects the original works of authorship and gives the creator exclusive rights of ownership. The copyright holder has the right to copy, distribute, perform the work or to license others to do it. But educators can make use of some works, without authorization, under a "fair-use" doctrine.

Mar 14

### **Opinion: Control or Guns?**

Some recent headlines: .A Las Vegas college student shot and killed in a parking lot. Two shot at an apartment party at the University of West Georgia. Gunshots lead to alert at Mt. St. Mary's University (MD). Man arrested with a gun near University of Maryland. Man arrested with a gun near University of Maryland. Lockdown at Clayton State University (GA) after students spot man with gun. College student arrested at the University of Louisiana with gun, drugs, Iowa Western Community College student killed in accidental shooting William Patterson University (NJ) student shot during chase. Young man shot in face near University of Nebraska-Lincoln campus These incidents and more took place on or near college campuses in a period of one month earlier this year. These shootings, and the tragic outcomes from them, took place while the debate over guns on campuses continues.

Mar 14

### **Just Ask: Violent Animal Rights Advocacy**

Q. Unfortunately, I continually read about attacks on research labs by violent animal rights advocacy groups. We have upgraded our security in the face of these threats. How worried should we be?

Mar 20

### **Resources: Have a Bad Day? In Sports?**

"What to Do When the NCAA Comes Calling?" That's the title of a review of colleges' sports association legal concerns. Written by M.A. Connell, R.G. Harris, and B.E. Ledbetter, the 40-page monograph focuses on NCAA

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compliance, investigation and the organization's sanction processes.

Mar 20

### **Cases of the Month: Who's Who?**

This month, a look at a few developments related to the use of false identification by students, generally for the unlawful purchase of alcohol. What are some states and towns trying to do?

Mar 20

### **Focus On...: Someone Watching Over You**

In the face of growing concern over safety on campuses, a number of colleges and universities have turned to close circuit television monitoring systems. Here's a look at the approach of some schools and some tips from experts on surveillance cameras.

Mar 28

### **Out of the Courts: Attack and Campus Safety Concerns over Student Hazing**

A new campaign by several advocacy groups is designed to again try to address the serious safety concerns about hazing. The Gordie Foundation, Hazing Prevention.org., and StopHazing.org have produced a new publication, titled "What Every Student Should Know about Hazing." Intended for college and university students, the material focuses on getting involved at school, understanding hazing, and what to do about it.

Mar 28

### **Cases Noted: Who Wrote the President's Work?**

Did the campus president plagiarize her dissertation years ago? That's the issue at the University of Texas-Pan American, where claims of presidential misconduct are being taken seriously.

Mar 28

### **Key Case: Untangling a Web**

The campus felt the student's web page contained threatening comments. The student felt his material was protected by the First Amendment. Delaware suspended the student. He then sued in federal court.

Apr 1

### **Liability Tip: Protecting Email from Hacking**

Hacking into an email account is apparently pretty easy to do. Just last year, the public was treated to emails written by a candidate for national office, after someone accessed her private accounts! But it has implications for campus communications, too. Computer-based communication systems are a way of life

today for all on college and university campuses. Make sure that the content of personal messages is safe from hacking by employing common sense security methods.

Apr 1

### **Follow-Up: Students Favor Taking up Tasers**

After some debate last year about the use of tasers on college campuses, following a widely publicized Florida incident, tasers continue to be considered and policies continued to be revised. Recently, the student government at Pittsburgh State University (PA) voted in favor of providing electronic stun devices to campus police.

Apr 1

### **Focus On... Litigation and Land**

This month, a look at a series of land and property disputes on and near college campuses. How campuses control, develop and influence properties has become an increasingly complex and legal issue in recent times.

Apr 16

### **Out of the Courts: Policing the Campus Police**

Who polices the police? Whom do you call when wrongdoing is suspected by those responsible for uncovering wrongdoing? These questions were raised last year in Louisiana. The state's Inspector General was asked to review allegations of misconduct by the campus police chief at Southern University of New Orleans (LA).

Apr 16

### **Cases Noted: Graduation Threat**

Told he would not graduate as expected, he allegedly sent an email threatening the graduation ceremony. Lamar University (TX) responded quickly to the threats.

Apr 16

### **Focus On...: Handling Harassment**

On many fronts, colleges and universities continue to face growing concerns and complaints about sexual harassment. The issues today involve students, faculty and staff. This month, a look at some of the current harassment controversies.

April 17

### **Cases of the Month: Death on the Playing Fields**

Tragically, college students can die unexpectedly on the playing fields. Consider the legal consequences of two recent losses of students in sport, with a common characteristic.

April 17

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### **Just Ask: Collective Bargaining at Private Schools**

Q. It seems that I've always been told that instructor collective bargaining units at private colleges and universities were never going to happen due to legal reasons. Is that changing? An instructor at another college said we all should be watching carefully what's happening in Wisconsin these days. True?

April 17

### **Out of the Courts: Standards for Short-Term Study Abroad Programs**

The college students signed up with an organized program to do volunteer work for spring break in Guatemala. The eleven left Eastern Michigan University (EMU) to help cut trails and other manual work to improve the Central American country's ecotourism. They took one day off to explore the countryside. That's when they were robbed at gunpoint.

April 22

### **Follow-up: Debating Amnesty Policy**

The University of Maryland-College Park is reviewing a proposed Good Samaritan policy. A number of colleges and universities have adopted similar plans in recent years to encourage students to seek medical care or assist those in need without consideration of personal disciplinary consequences.

April 22

### **Resources: A Legal Checkup (and Checklist!)**

Faced with various legal interests and concerns on campus? Trying to figure out if your school is well-prepared if challenged on something today? Consider a resource from College Legal Information, called "Strategic Legal Planning: The College and

April 22

### **Opinion: From Where I Sit...**

It was a fierce debate. The college staff maintained that the school needed 333 new chairs. But state legislators questioned the possible expense involved, in tough economic times.

May 1

### **Laying Down the Law: Electing Student Leaders**

Definition: Student clubs, organizations, and governments generally use elections to select their annual leadership. Most elections conducted under rules and regulations established by the organizations or by the college or university. Particularly at public institutions, election processes must conform to standard constitutional principles. Unsuccessful candidates, or student candidates found ineligible to ever run for office, have sometimes turned to the state and federal courts on occasion.

May 1

### **Cross-Examination: Debating Responsibility for Death by Drowning**

To what degree can a public college or university be held responsible for the on-campus death of a student? While the facts may be easy to determine, but sometimes jurisdiction and immunities can make it more difficult to determine if a school can be held responsible.

May 1

### **Focus on....: Cheering on the Team!**

Watch your language! That's the message being sent by a growing number of colleges and universities around the country, to deal with what they consider to be inappropriate language and signs at campus sporting events. Some examples this month!

May 9

### **Out of the Courts: Disclosing Fire Safety Standards**

Contained within last year's comprehensive federal Higher Education Opportunity Act (HEOA), were several new campus safety components. They included provisions referred to as the Campus Fire Safety Right-to-Know Act.

May 9

### **Case Noted: Reverse Discrimination?**

Did a historically black college discriminate against several white employees? That claim was recently made against Benedict College (SC), where three faculty members said they were passed over for promotion or let go because of their race

May 9

### **Liability Tip: Tents Add Space and Concern**

Looking for a large space for a major event? Adding space for a celebration on campus? The way to make that work is often simple: put up a tent on school property! There's just a few things you need to be careful about...

May 15

### **Key Case: Color and Copyright**

Can a college or university seek copyright protection for their school colors? Last year, several schools went into court in an effort to protect purple and yellow, maize and blue, burnt orange, and a particular shade of blue. While the courts have ruled on school names, logos and mascots, can federal law also be extended to something as basic as a color?

May 15

### **Cases Noted: ICU Causes Parents to Sue**

A fight at an Auburn University (AL) fraternity house has led to criminal and civil charges. The parents of an injured first-year student filed a personal injury lawsuit over the altercation that put their son into the local hospital's intensive care unit.

May 15

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## **Just Ask: The Problem with Student Health Insurance**

Are students, and their campuses, more exposed than ever before to liability of unexpected medical costs due to on and off-campus student accidents and injuries? What can be done to limit the risks?

May 23

## **Focus On... Church Authority and Academic Freedom**

The debate over President Obama's invitation to speak at the University of Notre Dame (IN) commencement exercise this year has sparked renewed attention to church authority, campus authority, and academic freedoms. This month, a look at a few other circumstances where religion and campus have come into conflict this year.

May 23

## **Resources: Dealing with Student Conduct**

Time to reconsider how you promote positive student conduct and respond to challenges? Take a look at 2008 publication, "The Complete Guide for Student Affairs Professionals – Student Conduct Practices."

May 23

## **Opinion: "Don't Tell Mom...!"**

To use or not use the FERPA exceptions; that is an ongoing question!

June 1

## **Laying Down the Law: Cursing in the Classroom**

The issue: To what extent does an instructor in the college classroom have the freedom to say whatever he or she pleases? Can there be legal limits on classroom speech?

June 1

## **Cross-Examination : Let's Go to the Movies!**

Apparently, it was going to be a sell-out. Student leaders at the University at Maryland, College Park thought they'd offer a "fun" program at the end of the semester as "a little stress break." The film, "Pirates II – Stagnetti's Revenge" had been shown at UCLA, Northwestern University (IL), and Carnegie Mellon University (PA). Producers of the film said they had over 50 more requests to exhibit the movie at colleges and universities this spring. What was the film requested at so many schools? Why all the attention? Because "Pirates II" is classed as XXX rated, hardcore pornography.

June 1

## **Focus On: Employee Misconduct**

Every month, college and university employees do excellent work on behalf of their students and institutions. But a few... a few are found to be engaged in inappropriate actions. This month, a look at a number of employees "gone wrong."

June 5

## **Cases Noted: Locked in a Closet**

Finding a piece in the campus art exhibit "inappropriate," the dean took the sculpture out of the display and locked it away. Surprised that the piece had been removed without discussion or notice, the gallery director promptly took out the rest of the exhibit, locking 13 other small sculptures in a closet.

June 5

## **Out of the Courts: Too Much for Texts**

How can government help college students control the cost of textbooks? That was the question explored in a December 2008 study, conducted by the New York State Office of the Controller. The state's chief financial officer looked deeply at the issue, finding that "high textbook prices present a substantial barrier to college access."

June 5

## **Liability Tip: Messaging Can be a Menace!**

Use of wireless communications can make college operations and student organizations more effective and efficient. But that can come at a risk, if it involves making cell phone calls, text messaging, or using devices like a Blackberry while driving.

June 14

## **Follow-Up: Backing Away from Breach Blame**

In 2006, Ohio University dealt with a serious problem of data leaks. It discovered that for over a year, sensitive campus community mentor materials, such as medical records and Social Security numbers, had been openly exposed online. The information files dated back decades and included hundreds of thousands of records. After an outside review, Ohio fired the two employees it felt were responsible for the breach. But were the two men OU fired really at fault?

June 14

## **Key Case: Professor Not Wrongfully Terminated**

In 1999, the professor was charged with "a pattern of behavior" violating campus standards of conduct. The charges included sharing a hotel rooms on trips with female students, drinking with students, "inappropriate sexual conduct," conflicts with the department secretary, "harassing and disruptive" behavior towards academic colleagues, and irregularities in the student newspaper financial accounts. The professor was dismissed from his post. But at a hearing on the professor's dismissal, a four faculty member panel did not support the termination.

June 14

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## Cases of the Month: Greek Life Challenges Continue

Unfortunately, the student injuries and deaths continue. In a number of places, fraternity life threatens life. This month, a look at some troubling and tragic incidents from the past semester.

June 19

## Just Ask: Harassment Training-Or Lose Your Job

I recently read about a case where a professor lost his job because he wouldn't attend a mandated all-employee harassment training program. Really? What was the issue? What's he doing now?

June 19

## Resources: Enhancing Student Safety

Looking to refresh your thinking about campus safety? Consider "Creating and Maintaining State College Campuses: A Sourcebook for Enhancing and Evaluating Safety Programs."

June 19

## Laying Down the Law: Providing Medical Assistance

Program sponsors, like colleges or organizations, have a duty to provide appropriate medical assistance in case of a campus or activity injury. A tort liability duty, if breached, can lead to a damage remedy. Liability can be found in situations where negligence is claimed and the court makes certain findings.

June 29

## Opinion: Exploiting the Interns

With the job market difficult due to the current economic climate, students are seeking more experience from internships, while still in school, to make themselves more marketable when they get out of school. In addition, a number of recent college and university graduates, unable to obtain an entry-level employment position in their field of choice, have opted to take internships as a way to network and expand their experience record. Internships can be a good deal but they also need to be a lawful deal and that's become an issue of greater concern in recent years.

June 29

## Follow-Up: Not Wanting Van Gogh to Go

Yale University (CT) has filed legal action in an attempt to hold onto the possession of one of Vincent Van Gogh's most well-known paintings. In recent months, art and campus ownership has been at the center of several disputes, including Vanderbilt (TN) and Brandeis (MA).

June 29

## Out of the Courts: Coming to Grips with Campus Violence

Virginia Tech. Delaware State. University of Chicago. Louisiana State University. Northern Illinois University. Campus shootings in 2007 and 2008 shocked the nation and prompted a higher education reconsideration of violence and security. In the wake of these and other shootings, and after the release of the state governor's Virginia Tech Report, a student affairs working group gathered to identify critical issues and to recommend best practices.

July 2

## Focus On...: Addressing Sex Offenders

He was a convicted sex offender, who used online social services to meet women from nearby colleges. He connected with a 19-year-old student at San Diego State University (CA) through an ad he placed on Craigslist. The meeting ended tragically.

July 2

## Cases Noted: Failure to Report?

The University of Portland (OR) has been sued by a former student. She claims that she reported to campus officials that she had been sexually assaulted, but the school failed to contact the police. In addition, the plaintiff maintains that the school failed to react properly when she became the target of critical comments on computer school networks after the attack. She has filed claims for damages against Portland, a former Portland student she named as her assailant, and three other students

July 2

## Just Ask: Transcript Dilemma's

Q. She wants us to give her a copy of her official transcript. We would, but she still owes us tuition money and the transcript is the only thing we have held back in an effort to get her to pay us. Can we withhold the record, even though she is headed through personal bankruptcy?

July 13

## Cases of the Month: Policing Together

All too often in town-gown settings, the sides may be working to address the same problem, but approach it from an independent basis. This month, a look at a number of circumstances where campus and community police are teaming up, or even different schools are willing to share safety resources, to police together.

July 13

## Resources: Updated and Adapted

As the fourth edition of "The Law of Higher Education" expanded to two volumes, authors W.A. Kaplin and B.A. Lee sought to develop some more "user-friendly" versions of their leading text in the field.

July 13

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### **Key Case: Expelled for Blogging?**

She came to the U.S. from the former Soviet Union and served in the U.S. Army as a medic. To become a nurse after she left the military, she enrolled in the University of Louisville. She did her studies well for two years. She had a 3.0 grade point average and was scheduled to graduate in a semester. But in February 2009, she was suddenly called to the office of a School of Nursing administrator. The meeting marked the end of her academic career and the start of *Yoder v. University of Louisville*.

July 16

### **Liability Tip: A Caution on Online Choices**

The University of Phoenix has over 200 campuses, 26,000 faculty members, and deals with over 400,000 students. And it is only one of the on-line opportunities available for individuals seeking degrees today. Most experts acknowledge that on-line learning is gaining credibility and acceptability and is a growing trend in higher education. But on-line degrees may not be for everyone. Caution should be taken before a student embarks on a distance learning education.

July 16

### **Follow-up: Revising Policy after Lawsuit**

Visits to campuses by traveling clergy have created controversy at a number of campuses in recent years. After a five year legal battle over the First Amendment, Miami University (OH) has reached a settlement that will lead to a new campus policy.

July 16

### **Cross Examination: Anti-Plagiarism Technology on Trial**

The high school teachers used a computer program to detect possible plagiarism in student papers. The system was operated on-line by a private company. What was the system? How did it work? What objections to it did the students have? And how did the courts rule when asked?

July 24

### **Laying Down the Law: Halting Hate Speech**

Campuses continue to seek ways to respond to hate speech, trying to balance an appropriate campus commitment to academic freedom and free expression with the demand for an appropriate climate for all members of the community to learn and work.

July 24

### **Opinion: Okay to Smile?**

Are all unwanted attempts to establish personal relationships at school considered sexual harassment? Can an employee have an unwanted interest in another campus colleague without it becoming a federal case?

July 24

### **Out of the Courts: Getting a Handle on Mental Health**

Looking for a resource to help a campus or organization improve awareness of mental health laws? Need some support to update campus policies and procedures? Would some best practices be helpful? Consider a 2008 guidebook, from the JED Foundation, titled "Student Mental Health and the Law: A Resource for Institutions of Higher Education."

Aug. 4

### **Focus on...: Campus Loss of Life; Wrongful Deaths?**

College life, like real life, unfortunately sometimes involves death. This month, a look at a number of campus deaths and some legal considerations and consequences.

Aug. 4

### **Courses Noted: Four Faculty Head for the Door**

Following an independent investigation, Bethune-Cookman University (FL) recently fired four of its faculty members. They had been accused of sexual harassment of students.

Aug. 4

### **Just Ask: Who is Responsible for an Accident?**

Who is responsible for an accident? How can the various issues that come under the heading of liability be explored by a college? We had a recent campus incident and need to conduct a review. Advice?

Aug. 10

### **Cases of the Month: Present Problems Based on the Past**

Colleges and universities draw on history, tradition and alumni to build support for the future. This month, consider a series of campus complications that come from connections to the past.

Aug. 10

### **Resources: Attacking Assault**

Looking for a resource to make the campus community more aware of the issues related to gender violence and attacks? Consider a new DVD, produced by the advocacy group, Security on Campus, Inc.(SOC).

Aug. 10

### **Key Case: Constitutional Rights for Greeks**

The chapter and two of its members sued the school, claiming violations of procedural due process and free speech rights. The district court dismissed the case, but the fraternity fought on, through an appeal. What was the story behind *Iota Xi Chapter of Sigma Chi Fraternity v. Paterson*? The chapter and

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two of its members sued the school, claiming violations of procedural due process and free speech rights. The district court dismissed the case, but the fraternity fought on, through an appeal. What was the story behind Iota Xi Chapter of Sigma Chi Fraternity v. Paterson, No. 08-1417, U.S. Fourth Circuit Court of Appeals (2009)? How did the federal appeals court deal with the case? Were the...

Aug. 17

### **Liability Tip: Checking on Crime**

With concerns increasing over the risks of criminal activity on campus, consider the use of student safety audits. Organizations like Security on Campus, Inc. (SOC) promote campus safety by encouraging prospective students and their parents to conduct their own assessment of the safety climate of the schools they are considering, before applying or sending in a deposit. With concerns increasing over the risks of criminal activity on campus, consider the use of student safety audits. Organizations like Security on Campus, Inc. (SOC) promote campus safety by encouraging prospective students and their parents to conduct their own assessment of the safety climate of the schools they are considering, before applying or sending in a deposit. ...

Aug. 17

### **Follow-up: Merging for Security**

Here's another approach to making campus safety more efficient--East Carolina University is combining the Office of Environmental Health with their Campus Safety Department to create a new more comprehensive unit.

Aug. 17

### **Laying Down the Law: Settling Tenure Misconduct Disputes**

Tenure at institutions of higher education provide faculty members with employment protections that allow freedom of teaching and research and a degree of economic security. It allows a faculty member to hold on to their position, on a permanent basis, without periodic contract renewals. There are, however, a number of conduct or behavioral grievances against faculty members that can lead to discipline charges that might result in loss of tenure and termination.

Aug. 25

### **Cross Examination: Lack of Degree Termination**

How did he go from an assistant coach at Oklahoma State, to head coach at University of Louisiana-LaFayette, to no coach at all, in a matter of weeks?

Aug. 25

### **Opinion: Loan Profit at Student Expense**

About \$60 billion in aid to students came through private financial institutions last year. And these banks make those loans to students at no or very little risk. Their loans are guaranteed or

insured by the Federal government. That also guarantees and insures the banks related profits, all at the expense of taxpayers and college students with needs.

Aug. 25

### **Out of the Courts: Living Off-Campus**

Many college and university students live off-campus, in communities around the nation. To live safely and successfully, students residing off-campus should increase their awareness of leases, rent, habitability and repairs, safety, and other issues and concerns. Live safe and smart!

Aug. 28

### **Focus on...: How Timely a Crime Notice?**

How long is too long? In order for a notice of a risk of crime on campus to be effective, it must be timely. Tragedies at Virginia Tech and Eastern Michigan raised the issue nationally in recent years. And this spring, more questions were raised about how quickly notice should be made after a few campus incidents. A few examples... from then and now.

Aug. 28

### **Cases Noted: Patent Infringement Benefits School**

New York University may be one of the big winners in a health care technology battle in the courts. The dispute involves Abbott Laboratories and Johnson & Johnson. The health care company sued the lab, claiming it had used the company's exclusive technology, without a license or authorization, to produce a new arthritis drug, which was sold for huge profits.

Aug. 28

### **Just Ask: Test Prep Frauds**

With increased pressure on students to gain access to higher education, I recently read that some of the college test preparatory programs may be fraudulent. Seems like they have been growing in popularity, even as some colleges and universities have stopped using them for admissions decision making. What's up?

Sept. 9

### **Cases of the Month: Anger in Alumni Affairs**

The concept is simple and traditional; organize college and university graduates, and then support them, extending the campus relationship well beyond graduation. For the most part, it works very well. But... alumni staff and associations aren't always in sync with colleges or campus standards. This month, a look at troubles in the alumni affairs world...

Sept. 9

### **Resources: Fair Voting on Campus**

How can student voting on campus issues and offices be fair? Consider "One Student, One Vote? Equal Protection and Campus Elections," as published in the Journal of College and

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University Law (No. 35, Vol. 1, 2008). The article, written by M.A. Zuckerman, looks at how student elections are conducted and questions voting by apportionment systems on college campuses.

Sept. 9

### **Liability Tip: Employee Eyes on the Road**

At this point, as a society, we are sharing at a rate of more than a million text messages a minute. Text messaging, formally known as a Short Messaging Service (SMS), allows wireless users to communicate by sharing information through cell phones and other hand held devices.

Sept. 17

### **Follow-up: Banning Stadium Alcohol Sales**

Minnesota is reviewing its planned approach to drinking at a new football stadium located on campus. The university had proposed limiting alcohol sales at stadium sporting events to fans only in a premium seating area. Beer was not to be made available to fans in the general seats, according to their plan. Alcohol at major sporting events has been an issue at a number of campuses in recent years.

Sept. 17

### **Key Case: Handling Harassment**

He came to the campus as a tenured faculty member and chancellor in 1987. He served in both roles for seven years. But in 1994, he quickly resigned as campus leader as a result of sexual harassment allegations against him.

Sept. 17

### **Opinion: Defining Frivolous**

“Frivolous” is generally defined as having or being of little importance, of not being serious or sensible; not having a legal basis due to the lack of sound arguments, or not made in good faith. Courts have dealt with frivolous lawsuits over the years and can impose fees on parties or sanction counsel for being part of claims that are contrary to established law or unsupported by reason. Higher education may be the source of some frivolous litigation. This spring, federal courts were called upon to deal with the case of the disappointed student golfer. The son of former NYC Mayor Rudy Giuliani was continuing his legal battle against Duke University.

Sept. 23

### **Cross Examination: Handling Trustee Conflicts**

Trustee conflicts of interest have been a growing matter of concern in recent years. They are the focus of a 2008 study by the Association of Governing Boards of Universities and Colleges (AGB). Titled “The New Ethics of Trusteeship: The Public College and University Trustees Can Meet Higher Education Expectations,” and developed by D. Leslie and T.

MacTaggart, the study looks at the possibility of new state policies to “raise the bar” for boards of trustees.

Sept. 23

### **Laying Down the Law: Called Out on Calling Names**

A law professor filed a defamation claim in 2008 against two of his former students and his school’s Black Law Student Association. The University of Arkansas instructor took the legal action after the students complained that he made racist comments in a class on affirmative action. The student complaints had been circulated around the school by the student organization. The UA faculty member had asked the school to investigate. When the school failed to act, he sued and filed a lawsuit. He said he took the case to court, because the claims against him were false and defamatory.

Sept. 23

### **Cases of the Month: What’s in a Name?**

Colleges and universities use the names of donors and others in a variety of ways, most often to recognize their support or achievements. But sometimes, names can hurt. Consider the following!

Sept. 30

### **Just Ask: Parking Ramp Perils**

We are growing increasingly concerned over safety in one of our campus parking ramps. It’s in a pretty isolated area of the college and hard for us to patrol, due to its design. How worried should we be?

Sept. 30

### **Resources: Foundations of the Law**

Looking for some ways to improve campus knowledge and appreciation for the law? Consider use of a DVD program that highlights the key First Amendment principles found in the U.S. Constitution. The 20 minute program reviews the origin and meanings of the first section of the Bill of Rights. The DVD, produced by Insight Media, is titled “Amendment 1: Freedom of Religion, Speech, Press, Assembly, and Petition” and looks at these issues of continuing campus concern, particularly for public colleges and universities.

Sept. 30

### **Key Case: Too Old to Live on Campus?**

Is 41 years old too old to share an on-campus residence hall with other students? Can a student be removed from campus living quarters due to age? These questions are being explored in a federal Age Discrimination Act claim recently heard in a U.S. District Court.

Oct. 8

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### **Liability Tip: Watch Out for the Dark Spots!**

Many crimes on campus are crimes of opportunity. Colleges and universities can work to eliminate some of the opportunities for assaults and robberies through better design of facilities and grounds. Don't give crime an advantage. Take it away through a new look at the places where crime can occur at colleges and universities.

Oct. 8

### **Follow-up: No Proof? No Payment!**

The University of Wisconsin-Whitewater (UW-W) waited too long to prove a dean spent school money on himself. That's the ruling in a federal district court on a claim filed by the school against its ex-arts and sciences leader.

Oct. 8

### **Just Ask: The Missing Virginia Tech Counseling Records**

So what happened to the key student counseling records at Virginia Tech University? How could the most sought after college records in history not be found for over two years? What are the consequences of recordkeeping and record security problems for the school, the center, and the record keeper?

Oct. 16

### **Cases of the Month: Battling and Boards**

Institutional mismanagement. Institutional dysfunction. Institutional micro-management: What might be the source of some of these higher education problems? Well, sometimes it starts at the top, with the governing board. Consider a few of the current college and university governing board problems from around the nation.

Oct. 16

### **Resources: Preserving Privacy**

Looking for a user-friendly guide to the Family Educational Rights and Privacy Act (FERPA)? Need a resource to turn to on a regular basis for assistance on the federal law and regulations? Then consider a new 336 page paperback, titled "FERPA Clear and Simple," written by C.A. Ramirez.

Oct. 16

### **Key Case: A Right to a Continued Graduate Education?**

He was a student at the Indiana University School of Optometry. And then he wasn't. In federal court, he challenged his dismissal as an IU graduate student. He maintained that the school acted in bad faith. He argued that his rights to Due Process and Equal Protection were violated. And he contended that an implied contract between student and school was breached. That's what he said. What did the school and court say?

Nov. 2

### **Liability Tip: Phoning in the Answers**

To stop cheating, and to protect the interests of the many students who do their academic work honestly, higher education needs to better understand how technology can be used by students today dishonestly. Campuses can't stop what they don't see or know!

Nov. 2

### **Follow-up: More on Immunity Approaches**

In an effort to encourage students to report potentially dangerous alcohol- or other drug-related situations, a number of colleges and universities have adopted policies to protect the student who reports an emergency situation from adverse disciplinary consequences.

Nov. 2

### **Cross Examination: Getting a Handle on Harassment**

What drove the cheerleader from the team? What cost her a scholarship? What led her to sue Marshall University (WV)? According to the complaint, it was cheerleader sexual harassment. What happened at Marshall? What did the court see? What can be learned by others?

Nov. 4

### **Laying Down the Law: Suing Over Accreditation**

Higher education institutions depend on various forms of accreditation, which permit them to offer degrees or programs, and provide students with opportunities for financial aid and access to licensed professions. But what happens if an accrediting agency tries to withdraw its support for a college or university, or for one of a school's programs? The school responds, by working to meet the agency standards and address the concerns, or by appealing--or occasionally by suing.

Nov. 4

### **Opinion: Response Good but Prevention Better**

The debate is intensifying over potential liability for sexual assaults on college campuses. Since the days of Pine Manor, colleges and universities have been placed on notice about their potential liability for foreseeable crimes as well as for crimes that take place on campus, where they control the safety environment.

Nov. 4

### **Out of the Courts: Boards and Athletics**

One month into the football season, the chairman of the board of trustees at Florida State University (FSU) made his opinion known publicly. The FSU football coach should retire at the end of the year. In the days that followed, there were two discussions, one over the fate of the football team, and a second over the role of trustees in campus decision-making.

Nov. 12

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## **Focus on... Journalism on the Edge... and Edgy Journalism?**

This month, a look of a series of disputes involving student journalism, either reported on, or caused by, student newspapers around the country. The review includes arrests, disciplinary charges, column controversy, and threats.

Nov. 12

## **Cases Noted: Presidential Troubles Follow**

He left the school in summer 2007 to assume another college presidency. Before arriving at Maryville University (MO), he had led the College of Santa Fe (NM) for several years. Now the Maryville president faces two lawsuits related to his previous leadership post.

Nov. 12

## **Resources: Protecting People and Property**

How are colleges and universities better preparing for the next emergency or crisis? Take a look at "Everyready," written by S.R. Sabo and published in the November 2009 Business Officer.

Nov. 18

## **Cases of the Month: Pressure on Presidents**

It's been a rough stretch for a number of college presidents from around the country. Personally and professionally, they are subject to stricter scrutiny in these days from a variety of oversight sources. Some just don't pass the test. Some current stories from the presidential misconduct files!

Nov. 18

## **Just Ask: Fencing Out Liability?**

We've built a fence around a potentially hazardous area on a remote spot on campus. It was designed to keep people out and away from any risks of inquiry. But are their risks that we face anyway, as a campus, even with the new barriers?

Nov. 18

## **Key Case: Defamation in Research Publication**

He sued for defamation. The medical doctor, a fertility specialist, filed his complaint against a California medical doctor. He was angry that the Californian had written about him in a scientific journal, noting that the fertility specialist had "... been found guilty of fraud/ deception and/or plagiarism."

## **Follow-up: Not Smiling at Texas Southern**

Add one more story to list of building naming deals gone array in recent years. A number of institutions have been forced to pull the names off selected campus buildings when related development deals suddenly fell through. That's apparently the case now at Texas Southern University.

Nov. 22

## **Liability Tip: Scams Selecting Students**

Help students protect themselves from scams that target them on a regular basis! Campus leaders may see these scams every year and be aware of them, but the student population turns over every year. How prepared are students this year to respond to the scams campuses see every year? Help students protect themselves by making them aware of the common, recurring attempts to separate them from their money!

Nov. 22

## **Out of the Court: College Students at a Loss?**

Researchers estimate that between 3% and 11% of college students in America have serious gambling problems. The results of this level of gaming can be serious; psychological difficulties, crippling debt, and failing school grades. Yet, according to experts, while half of all students gambled last year, less than a quarter of colleges and universities have any written policy on student gambling. And with greater access to gambling than ever before, due to lotteries, casinos, and the internet, the problem with students can only get worse.

Dec. 7

## **Cases Noted: Oh, Say Can't You See...**

The University of New Hampshire freshmen hung the US flag from his residence hall window with pride, not in protest. Now, it's a protest issue since UNH had him remove the flag for violating campus policy.

Dec. 7

## **Focus on...: Safety and Security: Strengthening and Sanctions**

Concerns continue over campus safety around the nation; how to best organize to fight crime, how to best report it, and what happens when compliance efforts fail? This month, a look at progress and problems.

Dec. 7

## **Just Ask: Do Faculty Have Free Speech?**

Can a faculty member be fired just for speaking out in protest? Don't they have the same rights as everyone else to speak out on issues of concern, on and off campus?

Dec. 14

## **Cases of the Month: False Alarms Alarming**

The claim of rape sends shock waves through any college or university and creates a significant climate of caution and concern. But what happens if the claims of assault are false?

Dec. 14

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### **Resources: Date Not an Invitation for Sex**

Seeking a way to promote campus discussion on relationship violence? Consider a 28 minute video production, titled "Date Rape: A Violation of Trust." Produced by Cambridge Education, the DVD reviews definitions of date rape and sexual assault, in an attempt to try to eliminate any confusion in young adults.

Dec. 14

### **Key Case: Pay-off to Dental Student**

She maintained that her dental school violated her due process rights. Would a federal jury agree? That was the question explored in *Zwick v. Regents of the University of Michigan*, heard this year by a federal district court in Michigan.

Dec. 15

### **Liability Tip: Vulnerable Identities on Campus**

It's becoming easier and easier to do college work on-line from almost everywhere these days. Seems like new places, on and off-campus, with wireless computer access are popping up everyday and more and more students are taking full advantage of them. But just how safe is their work, and their personal information, in the growing cyberworld?

Dec. 15

### **Follow-Up: Tighter Rules for Study Abroad**

As the Italian murder trial of American college exchange student Amanda Knox comes to a close, colleges and universities around the country continue to re-examine their own international exchange. With a variety of safety standards articulated by national professional organizations, campuses are using the Knox case as an opportunity to re-evaluate study abroad programs.

Dec. 15

### **Laying Down the Law: Peer Harassment at Issue**

Students who have been the victims of sexual assault by peers on college campus turn to laws against sexual harassment. They have been attempting to use Title IX of the Higher Education Act to seek damages.

Dec. 29

### **Cross Examination: Copying Mistakes from the Past**

It seems every few years someone tries to challenge the copy-right rights of major textbook publishers. The most recent dispute took place in Ann Arbor, MI, which happened to be the site of a previous key case on the same issues.

Dec. 29

### **Opinion: Linking Alcohol Liability to Campuses**

Between 1,400 and 1,800 students die each year from drinking-related problems. And there are thousands of cases of alcohol-related assaults, sexual violence, and property damage each year as well, involving those between the ages of 18 and 24. The National Institute on Alcohol Abuse and Alcoholism remains "very concerned" about the use of alcohol on campuses. Certainly, colleges and universities need to remain very concerned as well.

Dec. 29