

CONTENTS

Foreword	ix
Acknowledgments	xi
Introduction	1
The Law, the Courts, and Counsel	5
Types of Legal Issues	5
Internal and External Sources of the Law	8
Deference to Academic and Behavioral Decisions	9
The Distinction between Public and Private Institutions	12
The Attorney-Client Relationship	14
Pretrial and Trial Procedures	17
Individual or Institutional Liability: Authority and Delegation	22
The Employment Relationship with Faculty and Staff	27
Foundations of the Relationship between Employer and Employee	27
Hiring and Promotion Decisions: Equal Protection and Due Process	30
Practical Concerns in Hiring and Promotion	51
Conduct and Misconduct on the Job: Navigating the Employment Relationship	60
Dismissal and Retirement of Faculty and Staff	74
Students in the Academic Setting	85
Contract, Consumerism, and Citizenship	85
Misconduct and Discipline	89
Admissions and Access	93
Students' Records	101
Expression, Organizations, and Publications	103
Institutional Liability	108
Regulation and Oversight in the School and the Department	111
Copyrights, Trademarks, and Patent Law	111
Openness and Disclosure	114
Family and Medical Leave	115
Research and Teaching	116
Taxation and Fundraising	119
Accreditation	121
References	125
Index	151

ASHE-ERIC Higher Education Reports	167
Advisory Board	169
Consulting Editors	171
Review Panel	175
Recent Titles	177
Order Form	