

## Lawyers New to Higher Education

### Self-Study Syllabus

#### Week 1: [Welcome and Practical Advice to New Campus Counsel](#)

- Welcome and brief overview of NACUA
- Brief overview of legal issues unique to higher education
- Practical advice on transitioning to the practice of higher education law

##### Suggested Reading:

1. Larry White, "[Larry White's 20 Aphorisms for New College & University Lawyers](#)" (revised May 2018) (P. 3 of linked .pdf).
2. Derek Langhauser, "[Twenty-One Lessons Learned Over Twenty-One Years](#)" (Lawyers New to Higher Education Workshop 2014) (P. 4-7 of linked .pdf).

#### [Meet the Faculty](#)

- Faculty tenure and employment relationships
- Faculty duties, performance management and discipline
- Academic Freedom/First Amendment
- Practical issues and problem solving

##### Suggested Reading:

1. Shelley Sanders Kehl and Barbara A. Lee, "[Faculty Concerns: Academic Tenure](#)" (2022).

#### Week 2: [The FUNDamentals of FUNDamental FERPA](#)

- An overview of the FERPA framework and its key definitions
- The principal disclosure exceptions
- The often forgotten "inspect and review" and "seek amendment" rights
- Saving the best for last: FERPA's enforcement mechanism

##### Suggested Reading:

1. Melissa J. Holloway and Stephen J. McDonald, "[The Fundamentals of Fundamental FERPA](#)" (2022).

#### Week 3: [Introduction to Sexual Misconduct Issues: Title IX, Title VII, and the Courts](#)

- Title IX Regulations: Status and Implications for Practice
- The Intersection of the Clery Regulations, VAWA, Title IX, and Title VII
- Title IX in the Courts: Deliberate Indifference, Erroneous Outcome, and Selective Enforcement
- Practical advice for campus counsel in adopting, revising, and administering sexual misconduct policies on campus

##### Suggested Reading:

1. Patty Petrowski and Josh Richards, "[Introduction to Sexual Misconduct Issues: Title IX, Title VII, and the Courts](#)" (2022).

#### **Week 4: [Federal Antidiscrimination Law](#)**

- Encountering and Addressing Anti-Discrimination Matters in Higher Education (e.g., Title VI, Title VII, Title IX, ADA)
- Race, Color, Religion & National Origin - Discrimination and Harassment
- Sex Discrimination and Related Legal Issues
- Retaliation
- Free Speech, Diversity, and Inclusion

##### Suggested Reading:

1. Adaptation of Original Manuscript by Beverly Ledbetter and William Thro, "[Application of Federal Antidiscrimination Law to Colleges & Universities](#)" (updated 2022).

#### **Week 5: [Wheels Up! – Navigating University International Programs](#)**

- Understand different frameworks for evaluating international initiatives
- Review select U.S. and foreign law compliance issues and discuss recent trends and hot topics – e.g., international employment; foreign taxation; export controls; foreign influence; international student recruitment; online and remote learning; global data privacy; and international student health and safety concerns
- Share unique contract terms, tips, and strategies to negotiate cross-border contracts

##### Suggested Reading:

1. William Ferreira and Xinning Shirley Liu, "[Wheels Up! – Navigating University International Programs](#)" (2022) (see P. 2-3 of .pdf for further suggested reading).

#### **Week 6: [Free Speech on Public and Private Campuses: Key Considerations and Current Issues](#)**

- Policies and speech codes
- Bias incidents and the intersection of protected speech and diversity, equity, and inclusion efforts
- Managing campus protests
- Employee speech

##### Suggested Reading:

1. Traevana Byrd and Stephanie Rosenberg, "[Free Speech on Public and Private Campuses: Key Considerations and Current Issues](#)" (2022) (see P. 2 of .pdf for further suggested reading).

#### **Week 7: [Research Compliance, Intellectual Property, and Technology Transfer](#)**

- Federally sponsored university research: the regulatory regime
- Compliance: common financial, administrative, and scientific/bioethics compliance issues in research
- Intellectual property: ownership and use of employee, student and third party IP
- Tech transfer: considerations for innovation and commercialization

##### Suggested Reading:

1. Mary Jo Dively and Elizabeth A. Lim, "[Research Compliance, Intellectual Property, and Technology Transfer](#)" (2022).

## **Week 8: [College Athletics](#)**

- NCAA structure and enforcement
- Athletics contracts
- Title IX and intercollegiate athletics
- Wages, benefits, and the use of name, image, and likeness
- Trending topics

### Suggested Reading:

1. Anil Gollahalli and L. Lee Tyner, Jr., [College Athletics](#) (2022) (see P. 2-3 of .pdf for further suggested reading).

## **Week 9: [Contract Administration](#)**

- Unique issues related to contract administration on college and university campuses
- The role of counsel in contract administration
- Who is entering into contracts at your university? Signature authority and policies related to contract administration Key contractual provisions
- Practical take-aways related to contract review

### Suggested Reading:

1. Art Lee and Chris Melcher, [Contract Administration](#) (2022).

## **Week 10: [Student Discipline and the Role of Legal Counsel](#)**

- Key foundational concepts and legal obligations: due process and contractual obligations, public versus private colleges and universities
- Academic versus conduct problems, graduate and professional programs, disability and Title IX cases
- Litigation lessons for policy development and practice
- The many changing dynamics on campus and student life trends - what these mean for campus lawyers

### Suggested Reading:

1. Madelyn Wessel, [Preventing and Litigating Legal Challenges to the Discipline and Grading of Students](#) (2022) (see P. 24 of .pdf for further suggested reading).

## **Week 11: [Student Disability Law Issues](#)**

- Academic accommodation issues in higher education context
- Emotional support animal issues
- Threat to self and/or threat to others issues
- Leave and withdrawal issues
- Web accessibility issues

### Suggested Reading:

1. Holly Peterson and Jeffrey J. Nolan, [Student Disability Law Issues](#) (2022).

### Quickly and Clearly Clery: Introduction to the Campus Crime Reporting Law

- Introduction to the Clery Act, including the history, developments along the way, enforcement, and more.
- Discussion of the main components of Clery compliance, including reporting and disclosure of crime statistics in the ASR, the crime log, timely warnings and emergency notifications, and the fire log.
- Exploration of the Clery Handbook—What is it, how is it used in practice, and does it contain the answer to my question?
- Overview of enforcement actions, program reviews, and fines

#### Suggested Reading:

1. Andrea Stagg, [Quickly and Clearly Clery: Introduction to the Campus Crime Reporting Law](#) (2020).

### **Week 12: An Introduction to Higher Education Counsel's Office: Ethical Issues**

- General principles of ethics for college and university attorneys
- Representing an institutional client – ethical issues and practical strategies
- Attorney-client privilege – elements, exceptions, and waivers
- Special challenges taking on non-legal roles

#### Suggested Reading:

1. Bill Mullooney and Dickens “Deke” Mathieu, [An Introduction to Higher Education Counsel's Office: Ethical Issues](#) (2022) (see P. 16-17 of .pdf for further suggested reading).