



# National Association of College and University Attorneys

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To: NACUA Board of Directors

From: Marc Cardinalli, Chair, Editorial Board, *Journal of College and University Law*  
Karl Brevitz, Staff Liaison

Date: October 16, 2009

Subject: November 2009 Report  
Editorial Board, *Journal of College and University Law*

### Charge to the Editorial Board

The Editorial Board has overall responsibility for monitoring the quality and direction of the *Journal of College and University Law*, with such responsibility to include suggesting topics and authors of Journal articles, reviewing proposed articles and student notes, and reviewing issues of the Journal as they are published. Members of the Editorial Board may be asked from time to time to contribute book reviews or other pieces for publication in the Journal.

### Editorial Board Leaders

Marc Cardinalli, Chair

William Hoyer and John Robinson, Faculty Editors

### Work Plan for 2009 - 2010

1. Suggest possible themes, articles and authors for future Journal issues.
2. Evaluate and provide feedback on individual Journal issues and articles as they appear.
3. Assist Faculty Editors by providing advance review of proposed Journal articles.
4. Monitor and assist progress on the NACUA 50<sup>th</sup> Anniversary Issue of JCUL.
5. Implementation of transition to exclusively electronic free delivery of JCUL, with discounted subscription rate to any member desiring print edition.

- **Articles**

The most recent issue of the Journal was Volume 35. No. 3, which included the following articles:

Volume 35, No. 3:

The Elephant in the Ivory Tower: Rampages in Higher Education and the Case for Institutional Liability, by *Helen Hickey de Haven*

Campus Violence: Understanding the Extraordinary Through the Ordinary, by *Nancy Chi Cantalupo*

Disability Law Issues for High Risk Students: Addressing Violence and Disruption, by *Laura Rothstein*

Note: Taxing the Great Academic Divorce, by *Kathryn A. Fuehrmeyer*

Note: Federal Funding and Fraud: The False Claims Act in Higher Education After *Main v. Oakland University*, by *Rachel Perkins*

Volume 36 No. 1:

Articles tentatively scheduled for publication in Volume 36, No. 1 include:

A Confused Concern of the First Amendment: The Uncertain Status of Constitutional Protection for Individual Academic Freedom, by *Professor Neal Hutchens*

*Bakke*, With Teeth? The Implications of *Grutter v. Bollinger* in an Outcomes-Based World, by *Professor Ann Killenbeck*

Gun Regulation on Campus: Understanding *Heller* and Preparing for Subsequent Litigation and Legislation, by *Derek Langhauser*

The issue will also include a book review and student notes.

- **NACUA 50<sup>th</sup> Anniversary Issue**

The Editorial Board has been working since 2007-2008 on the issue of the Journal that will coincide with NACUA's 50<sup>th</sup> Anniversary celebration at the Annual Conference in June 2010. A subcommittee of the Editorial Board co-chaired by Bill Thro and Marty Michaelson has assisted in identifying topics and authors for the 50<sup>th</sup> Anniversary issue. The tentative table of contents for the 50<sup>th</sup> Anniversary issue is as follows (working, not final, article titles):

Introduction and Overview

*Derek Langhauser (Issue, Articles, Themes)*

*Kathleen Santora (NACUA History)*

50 Years of Change: The Legalization of Higher Education

*Barbara Lee*

The Evolution of Judicial Deference to Academic Decision-Making

*Robert O'Neil*

Governing Boards and Institutions of Higher Learning: The Changing Relationship

*Judith Areen*

Government Regulation of Universities: The Elephant in the Middle of Campus

*Stephen A. Dunham*

Changes in Intellectual Property Law and the Impact on Colleges and Universities

*Beth Cate*

Developments in the Law Governing Intercollegiate Athletics

*David Williams*

Strangers at the Gate: From the Civil Rights Movement to the Protection of Individual Rights in the Academy

*James Shekleton*

Higher Education and Students with Disabilities: A Fifty Year Retrospective

*Laura Rothstein*

**Essays:** *The Future of Race, Ethnicity and Gender Consciousness in Academic Decision-Making*

From Desegregation to Diversity and Beyond: Our Evolving Legal Conversation on Race and Education

*Jonathan Alger*

Race and Higher Education: The Tortuous Journey Toward Desegregation

*Mary Ann Connell*

The Future of Race, Ethnicity and Gender Consciousness in Academic Decision-Making

*Beverly Ledbetter*